REGD. GOA-5

Panaji, 29th January, 2002 (Magha 9, 1923)

SERIES I No. 43

C.S. ... Inward No. 9416/115 Date/Time 14/2/2002

OFFICIAL GAZETTE

GOVERNMENT OF GOA

C.P.O. S.W.R., Panaji-Goa ... Inward No. 3329 Date/Time 15/2/02

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

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Notification

7/2/2002-LA

The Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002), which has been passed by the Legislative Assembly of Goa on 17-1-2002 and assented to by the Governor of Goa on 25-1-2002, is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 29th January, 2002.

The Goa Ground Water Regulation Act, 2002

(Goa Act 1 of 2002) [25-1-2002]

AN

ACT

to regulate and control the development of ground water resources and matters connected therewith.

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa Ground Water Regulation Act, 2002.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Act" means the Goa Ground Water Regulation Act, 2002;

(b) "Cell" means the ground water cell constituted under the Act;

(c) "Government" means the Government of Goa;

(d) "ground water" means the water under the surface of the earth regardless of the geological structure in which it is stationery or moving and includes all ground water reservoirs;

(e) "Ground Water Officer" means the Ground Water Officer authorised and/or appointed by the Government to perform the functions of the Ground Water Officer under this Act;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "sink" with all its grammatical variations and cognate expressions in relation to a well shall include any digging, drilling or boring of a well or deepening carried out to the existing wells;

(h) "source of water" means the water which exists in the nallahs, wells, rivulets, rivers, lakes, ponds, borewells, tubewells, canals, springs, etc;

(i) "user of ground water" means the person or persons or an institution including a company or an establishment, whether Government or not, who or which own or use or draw ground water for any purpose, including domestic, industrial, environmental, ecological and agricultural use, made either on a personal, institutional or community basis;

(j) "well" means a well sunk for the search or extraction of ground water by person or persons except by the authorised Officials of the State or Central Government's, for carrying out scientific investigations, exploration, development or management work for the survey and assessment of ground water resources and includes open well, dug well, sunk well, bore well, tube well, tank, pond, dug-cum-borewell, filter point, collector well and infiltration gallery.

3. *Constitution of Ground Water Cell.*— (1) The Government shall constitute a ground water cell for carrying out the purposes of this Act.

(2) The Chief Engineer of the Department of Water Resources of the Government shall be the ex-officio Head of the cell besides other members who may be appointed by the Government.

(3) The Government, in consultation with the Cell, may designate, by notification, any person serving in connection with the affairs of the Government including any person serving in the Cell itself, as the Ground Water Officer for the purposes of this Act.

(4) The Ground Water Officer shall function under the direct control and superintendence of the Cell.

4. *Declaration of Scheduled, Water Scarcity and over exploited areas.*— (1) Having regard to the potential of availability of ground water and other relevant factors, the Government, in consultation with the Cell, may declare, by notification, any area in the State as a Scheduled area.

(2) Having regard to the quantum and pattern of rainfall and other relevant factors, the Government, in consultation with the Cell, may declare, by notification, any area in the State as Water Scarcity area for a period not exceeding six months at a time.

(3) Having regard to the depleted levels of water table and other relevant factors, the Government, in consultation with the Cell, may declare, by notification, any area in the State as an over exploited area.

5. *Registration of existing well and permission for sinking a new well in the Scheduled area.*— (1) The user of an existing well in a Scheduled area shall, within a period of sixty days from the date of commencement of this Act, apply to the Ground Water Officer for registration of an existing well, in the prescribed form and manner:

Provided that the Ground Water Officer may entertain any application for registration of an existing well after the expiry of the said period of sixty days, on payment of such late fee as may be prescribed, if he is satisfied that the owner of th existing well was prevented by sufficient caus from filing the application in time.

(2) The details to be furnished in an application under sub-section (1) shall include the following, namely:—

(i) the description of the source of water, such as type of wells, its exact location;

(ii) the lifting device used;

(iii) the quantity of drawal of ground water and hours of operation per day;

(iv) the total period of use in each year;

(v) the purpose or purposes for which ground water is being extracted;

(vi) in case of irrigation well, the location and extent of area irrigated;

(vii) in case of State, municipalities or community run water supply schemes, the details of the services involved in addition to the quantities of water extracted, the diversion or pumping points and their locations;

(viii) the year of construction and the year of commissioning.

(3) No person shall sink a well in a Scheduled area unless he has obtained permission in this

behalf from the Ground Water Officer. Any person desirous of sinking a well shall apply, in the prescribed form and manner, to the Ground Water Officer for grant of permission and shall not proceed with any activity connected with sinking of the well unless permission is granted to him by the Ground Water Officer.

(4) On receipt of an application under sub-section (1) or sub-section (3), if the Ground Water Officer is satisfied that it shall not be against the public interest to do so, he may grant a certificate of registration of an existing well authorising the continued use of the well or grant permission for the sinking of new well, as the case may be, subject to such conditions and restrictions and collection of such charges as may be prescribed from time to time:

Provided that no person shall be refused a certificate of registration of an existing well or permission for sinking a new well unless he has been given an opportunity of being heard.

(5) The decision regarding the grant or refusal of the certificate of registration, or grant or refusal of permission, as the case may be, shall be intimated by the Ground Water Officer to the applicant as far as possible within a period of 90 days from the date of receipt of application. Where it is not possible for the Ground Water Officer to grant the certificate of registration of an existing well or to grant permission for sinking a new well, as the case may be, the Ground Water Officer shall intimate the reasons therefor to the applicant so that he may make a fresh application after curing the defects if any specified therein.

(6) In granting or refusing a certificate of registration or granting or refusing permission under sub-section (4), in the prescribed form and manner the Ground Water Officer shall have regard to:—

(a) the purpose or purposes for which the water is to be used or well is to be sunk;

(b) the existence of other competitive users;

(c) the existence of other wells in the locality;

(d) the availability of ground water;

(e) quality of ground water with reference to the use;

(f) spacing of the ground water structures keeping in consideration the purpose for which water is to be used;

(g) long term ground water behaviour;

(h) the lifting devices proposes to be used;

(i) the quantity of ground water withdrawal and hours of operation per day;

(j) the effect of water availability in the nearby well; and

(k) any other relevant or connected factors.

(7) The certificate of registration in respect of an existing well or the permission for sinking a new well shall be valid for a maximum period of five years from the date of issue of the certificate of registration or the permission, as the case may be, and after expiry of the period of five years, the well shall have to be freshly registered in accordance with the procedure laid down herein:

(8) If a registered well, whether an existing well or a newly sunk well, becomes defunct, this fact should be immediately brought to the notice of the Ground Water Officer, by the user of the ground water of the said well.

6. *Grant of permission to transport ground water in the Scheduled area.*— (1) No person shall transport ground water from a source of water in Scheduled area, more than 30,000 litres annually, by any means of surface transport or by pipeline without the permission of the Ground Water Officer.

(2) Any person desirous of transporting more than 30,000 litres of ground water annually from a source of water in a Scheduled area by any means of surface transport or by pipeline shall apply, in the prescribed form and manner, to the Ground Water Officer for the grant of permission and shall not proceed with any activity connected with the transportation unless permission has been granted by the Ground Water Officer.

(3) On receipt of an application under sub-section (2), if the Ground Water Officer is satisfied that it shall be in the public interest to do so, he may grant permission for transporting the ground water, subject to such terms, conditions and restrictions as may be prescribed, or refuse to grant the permission:

Provided that no permission shall be refused unless the applicant has been given an opportunity of being heard.

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(4) The decision regarding the grant or refusal of permission shall be intimated by the Ground Water Officer to the applicant as far as possible within a period of 90 days from the date of receipt of the application. Where it is not possible for the Ground Water Officer to grant the permission for transportation of ground water, the Ground Water Officer shall intimate the reasons therefor to the applicant so that he may make a fresh application after curing the defects if any specified therein.

(5) In granting or refusing to grant permission under sub-section (3), the Ground Water Officer shall have regard to the following matters, namely:—

(a) the purpose or purposes for which permission to transport ground water is sought;

(b) the existence of other competitive users;

(c) the existence of other wells in the locality;

(d) the availability of ground water;

(e) the quality of ground water with reference to use;

(f) the long term ground water behaviour;

(g) the lifting device proposed to be used;

(h) the quantity of ground water drawal and hours of operation per day;

(i) the effect on the availability of water in the nearby well;

(j) any other relevant or connected factor.

(6) Every permission granted under sub-section (3) shall be valid for a maximum period of one year and after expiry of said period of one year, the permission, if required again, shall have to be freshly applied for, in accordance with the procedure laid down herein.

7. *Powers to alter, amend or vary the terms of registrations and permissions.*— At any time after the grant of registration or permission under section 5 or section 6 as the case may be, the Ground Water Officer may, for technical reasons, alter, amend or vary the terms of the registration or permission after providing the holder of registration or permission, as the case may be, opportunity of being heard.

8. *Cancellation of permission/certificate of registration.*— If the Ground Water Officer is satisfied, either on a reference made to him in this behalf or otherwise, that,—

(a) the registration or permission granted under section 5 or section 6, as the case may be, is not based on true facts; or

(b) the holder of the registration, or permission, as the case may be, has, without a reasonable cause, failed to comply with the conditions subject to which the registration or permission had been granted or contravened any provisions of this Act or the rules made thereunder; or

(c) a situation has arisen which warrants limiting the use or extraction of ground water,

without prejudice to any penalty to which the holder of the registration or permission, as the case may be, may be liable under this Act, the Ground Water Officer may, after giving the holder of the registration or permission, as the case may be, an opportunity to show cause, by order, cancel the registration or permission, as the case may be.

9. *Protective measures in Water Scarcity Areas or over exploited areas.*— (1) Upon declaration of any area as Water Scarcity area or as over exploited area, the Ground Water Officer may, for the duration of the period for which the area remains so declared, by order,—

(a) prohibit the sinking of new wells in such area for any other purpose other than drinking, except with the permission of the Ground Water Officer, and the procedure laid down in section 5 of this Act shall, *mutatis mutandis,* apply to the disposal of an application received for sinking a well in that area for the said duration:

Provided that no restriction shall be imposed in a water scarcity area to the sinking of a well on behalf of the Government or a local authority for being used as a public drinking water source;

Provided further that the Ground Water Officer shall grant the permission to sink a well subject to,—

(*i*) the condition that the Ground Water Officer may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate the extraction of water from such a well for such a period as may be specified in such order, if, in his opinion, it is necessary to do so in the public interest; and

(*ii*) such other conditions and restrictions as may be prescribed,

(*b*) prohibit the extraction of water or impose such restrictions as may be considered necessary on the drawal of water from any existing well in such area if it is found to be adversely affecting any public drinking water source.

10. *Protective measures in over exploited Areas.*— (*1*) Upon declaration of any area as an over exploited area,—

(*a*) no person shall sink a well in that area unless he has obtained the permission of the Ground Water Officer and the procedure laid down in section 5 of this Act shall, *mutatis mutandis,* apply to the receipt and disposal of an application received for sinking a well in that area:

Provided that no restrictions shall be imposed in an over exploited area to the sinking of a well on behalf of the Government or a local authority being used as a public drinking water source:

Provided further that the Ground Water Officer shall grant the permission to sink a well in that area subject to,—

(*i*) the condition that the Ground Water Officer may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate the extraction of water from such a well for such period as may be specified in such an order, if, in his opinion, it is necessary to do so in the public interest; and

(*ii*) such other conditions and restrictions as may be prescribed,

(*b*) the Ground Water Officer may prohibit, by order, the extraction of water from any existing well during the period of six months from 1st February to 31st July, every year.

11. *Closing down of existing well in over exploited area.*— If an existing well is found to be adversely affecting any public drinking water source, the Ground Water Officer may, by order, after giving the owner a reasonable opportunity of being heard, direct him to stop the extraction of water forthwith and close or seal the well, either temporarily or permanently, having regard to the extent to which it so adversely affects.

12. *Payment of compensation for closing down an existing well in over exploited area.*— Where an order of permanently closing down or sealing of an existing well is made under section 11, the Ground Water Officer may, on making such enquiry and requiring the owner to produce such evidence as he may deem necessary, make an order for payment of compensation which shall be not less than the market value of the well and structures thereon and the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894), with regard to the determination of compensation of the well shall apply in determining the market value of the well under this section as though the well is sought to be acquired under that Act. No such compensation shall be paid in the case of temporary closing down of an existing well in an over exploited area:

Provided that, in the case of closing down of an existing well, permanently or temporarily, in an over exploited area, if water from that well was being used for irrigating crops standing at the time of making such an order, the compensation for such crops which shall be the market value of the standing crops based on the average yield of the preceeding three years, shall be payable under this section:

Provided further that, if, for any reason, any well which had been permanently closed or sealed, is allowed to be re-opened for extracting of water therefrom, any subsequent order made for permanently sealing or closing down such well again, shall not entitle the owner thereof to claim compensation for the well and the structures thereon except the compensation for the standing crops which shall be determined as aforesaid in the for going proviso.

13. *Power of Ground Water Officer.*— (*1*) The Ground Water Officer or any person authorized

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by him in writing in this behalf, shall have the following powers, namely:—

(a) to enter on any property (private or Government) with the right to investigate and make any measurements concerning the land or water located on the surface or underground;

(b) to inspect the well which has been or is being sunk and the soils and materials excavated therefrom;

(c) to take specimens of such soils or other materials or of water extracted from such wells;

(d) to require, by order in writing, the person sinking a well to keep and preserve in the prescribed mannor specimens of soils or any materials excavated therefrom for such period not exceeding three months from the date of completion or abandonment of the work as may be specified by the Ground Water Officer and thereupon such person shall comply with such order;

(e) to inspect and to take copies of the relevant record or documents and ask any question necessary for obtaining information (including diameter or depth of the well which is being sunk; the level at which the water is or was struck and subsequently restored/rested, the type of strata encountered in sinking of the well and the quality of the water struck) required for carrying out the purposes of this Act;

(f) to require the user of ground water to install water measuring device on any water supplies when necessary to properly administer the water or where there is a reason to believe that the user does not comply with the provisions contained in this Act or any other sufficient reason for defending the public interest:

Provided that where the user of ground water doesn't comply with the requisition issued to him within a period of thirty days, the Ground Water Officer may install such water measuring device and recover the cost from the defaulting user of ground water;

(g) to seize and keep custody equipment/devise utilised for sinking and close the work exec partly or fully;

(h) to require any user of ground water, wh does not comply with the provisions of this Act and the rules framed thereunder, to close down any water supply or destroy any hydraulic work found to be illegal according to the provisions of this Act and the rules framed thereunder:

Provided that where the user of ground wate does not comply with the requisition issued to him within a period of thirty days, the Ground Water Officer may himself carry out the necessary work and recover the cost from the illegal user as arrears of land revenue;

(i) to enter and search with assistance, if any, as he considers necessary, any place in which the Ground Water Officer has reason to believe that offence und this Act has been or is being committed and order in writing the person who has been or is committing the offence not to extract or use the ground water for a specified period;

(j) to exercise such other powers as may b necessary for carrying out the purposes o this Act or any rules made thereunder;

(k) to advise the State Electricity Departmen for withdrawing/stopping power supp to the existing well in case of violation any provision of this Act;

(l) to monitor that the State Electricit Department does not energise the we without clearance from the Ground Wa Officer;

(m) to close the use of toilet/septic tank/so pit if it is found that it is polluting the w

(2) The power conferred by this sect includes the power to break open the door of premise where sinking, extraction and use ground water may be going on:

Provided that the power to break open door shall be exercised only after the owne any other person in the occupation of premises, if he is present therein, refusen to the door on being called to do so.

(3) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 93 of the said Code.

14. *Powers of the Ground Water Officer regarding closure of the well and seizure of materials and equipment.*— (1) On a complaint made or otherwise, about any contravention of any of the provisions of this Act, the Ground Water Officer may, by an order in writing, call upon the owner or the person in possession of the well to stop the extraction of water and any other contravention forthwith.

(2) Where the owner or person in possession of the well fails to comply with the order given under sub-section (1), the Ground Water Officer or an Officer duly authorised by him, may enter upon the land, remove obstructions, if any, close the pumping of water, disconnect the power supply, seize any material or equipment used with such extraction of water and take such action as may be required, and may close or seal the well.

(3) The closure of a well shall be made and a list of all materials and equipments seized shall be prepared in the manner prescribed.

(4) Where the Ground Water Officer or an Officer authorised by him has closed or sealed the well under sub-section (2), the cost incurred thereof shall be recovered from such owner or person as arrears of land revenue.

15. *Service of orders, etc.*— (1) Every Order under this Act shall be served,—

(a) by giving or tendering the order or notice or by sending it by post to the user for whom it is intended; or

(b) if the user cannot be found, by affixing the order or notice on some conspicuous part of his last known abode or place of business or by giving or tendering the order or notice to some adult male member of his family or servant or by causing it to be affixed on some conspicuous part of the land or building in which the well is being sunk.

(2) Where the person on whom the order or notice is to be served is a minor, service upon his guardian in the manner provided in sub-section (1) shall be deemed to be notice served upon the minor.

16. *Protection against action taken in good faith.*— No prosecution, suit or other legal proceedings shall be instituted against the Government, the Ground Water Officer or his authorised representatives for anything done or intended to be done in good faith under this Act, or the rules made thereunder.

17. *Offences and Penalties.*—

(A) For non-receipt of information:

If any user,—

(a) contravenes or fails to comply with any of the provisions of this Act or rules made thereunder, in supplying information as prescribed; or

(b) obstructs the Ground Water Officer or any other person authorised by him to exercise any powers under this Act,

he shall be punishable—

(i) for the first offence, with fine which may extend to rupees one thousand; and

(ii) for the second and subsequent offence, with fine which may extend to rupees two thousand, every time.

(B) For illegal sinking/construction and/or use of wells and/or transportation of water and/or polluting and contaminating ground water:

If any user—

(a) contravenes or fails to comply with any of the provisions of this Act or any rule made thereunder;

(b) obstructs the Ground Water Officer or any other person authorised by him to exercise the powers under this Act,

he shall be punishable—

(*i*) for the first offence, with fine which may extend to rupees five thousand;

(*ii*) for the second and subsequent offence, with imprisonment for a term which may extend to six months and/or with fine which may extend upto rupees ten thousand, every time.

18. *Compounding of Offences.*— Any offence under this Act may be compounded by the Ground Water Officer, either before or after the institution of proceedings, subject to such conditions as may be prescribed.

19. *Offences by Companies.*— Whenever an offence under this Act has been committed by a Company, every person who, at the time the offence is committed, was in charge of, or was responsible to the Company for the conduct of the business of the Company, shall be deemed to be guilty of the offences and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation.— For the purpose of this section, "Company" means any body corporate and includes a firm or other association of individuals.

20. *Appeals.*— (*1*) Any person aggrieved by a decision or action of the Ground Water Officer under this Act, may, within a period of thirty days from the date on which the action is taken or the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to the prescribed authority:

Provided that the prescribed authority may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (*1*), the prescribed authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

21. *Requisition of wells.*— (*1*) The Water Officer may, in public interes providing water for drinking purpo requisition any well or water source from owner after due notice in such a manner and i such form as may be prescribed and for such period as may be specified in the order but in no case exceeding six months at a time.

(2) For a well requisitioned under sub-section (*1*), a compensation for the use of the well fo extraction of water therefrom shall be paid to the owner, and such compensation shall be decided by the Ground Water Officer.

(3) In determining the compensation to be awarded for the compulsory requisitioning of a well or a water source under this Act, the Ground Water Officer shall take into consideration,—

(*a*) the market value of the standing crop, if any, based on average yield of the preceding three years;

(*b*) the damage sustained by the owner of the well or the water source by depriving him of the use thereof; and

(*c*) the generation charges including wear and tear of the pump and other accessories in cases where the Ground Water Officer decides to retain such facilities while requisitioning the well o the water source.

22. *Power to charge fees.*— The Governmen may charge such fees as may be prescribed fo any permission granted under this Act.

23. *Protection measures for public drinking water source and existing ground wate structures in non-scheduled areas.*— (*1*) Havin regard to the interest of the general public t have supply of the requisite quantity of water fo drinking purposes from the drinking wate sources and to protect the existing ground wate structures used for drinking and other essenti purposes, no person shall sink any well for an purpose in the vicinity of the drinking wate source within a distance of one hundred metre of such source or ground water structure. N person shall extract for the purpose o transporting water from a well if another well o ground water source is located within a limit o one hundred metres.

(2) A person desirous of sinking a well for any purpose, within a distance of one hundred metres of a drinking water source or existing ground water structure, may do so only with the prior permission of the Ground Water Officer.

(3) A person desirous of transporting ground water from a well, if another well is located within a distance of one hundred metres of a drinking water source or ground water structure, may do so only with the prior permission of the Ground Water Officer.

(4) An application made for the permission under sub-section (2) or sub-section (3) shall be made to the Ground Water Officer in the prescribed form and manner and the procedure laid down for grant of permission to sinking of a well or transportation of water in a Scheduled area under sections 5 or 6 of this Act, shall, *mutatis mutandis*, apply to an application made for sinking of a well or transporation of water in a non-scheduled area:

Provided that every permission granted under this section shall be subject to:—

(a) the condition that the Ground Water Officer may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate from time to time the extraction of water from such well if in his opinion it is necessary to do so in the public interest;

(b) such conditions and restriction, as may be prescribed.

24. *Offences under this Act to be cognizable.*— (1) Any offence punishable under this Act shall be cognizable offence within the meaning of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(2) No court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing by the Ground Water Officer or an Officer generally or specially authorised by the Government in this behalf.

25. *Provisions of this Act to have overriding effect.*— The provisions of this Act and the orders issued or made under this Act shall have effect not withstanding anything to the contrary contained in any other law for the time being in force.

26. *Power to make rules.*— (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:—

(a) the form and manner in which application shall be made under this Act;

(b) the form and manner in which orders shall be passed by the Ground Water Officer;

(c) the manner in which the specimens of soils or other materials shall be kept and preserved;

(d) conditions subject to which offences may be compounded;

(e) prescribing the authority to hear appeals;

(f) the fees to be charged under the Act;

(g) any other matter which is to be or may be prescribed.

27. *Laying of the notifications and rules before the Legislative Assembly.*— All notifications and rules made under this Act shall be laid before the Legislative Assembly as soon as may be when the Legislative Assembly is in session and if not in session, immediately on reassembly of the Legislative Assembly and the Legislative Assembly shall have power to annul or modify the notification or rules so laid by a resolution adopted for that purpose. On adoption of a resolution for annulment or modification of any notification or any rule, the notification or the rule shall be of no effect or shall stand modified accordingly.

Secretariat Annexe,
Panaji.

Dated: 29-1-2002.

V. P. SHETYE,
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

Regd No. GR/RNP/GOA/32

2003 YEAR OF THE CHILD

RNI No. GOAENG/2002/6410

Panaji, 13th February, 2003 (Magha 24, 1924)

SERIES I No. 46

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY
No. 2

GOVERNMENT OF GOA

Department of Water Resources

Notification

28-1/CE-WR-EQ/987

In exercise of the powers conferred by section 26 of the Goa Ground Water Regulation Act, 2002 (Goa Act No. 1 of 2002), the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (*1*) These rules may be called the Goa Ground Water Regulation Rules, 2003.

(*2*) They shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(*a*) "Act" means the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002);

(*b*) "form" means a form appended to these rules;

(*c*) "over exploited area" means an area declared by the Government as over exploited area under sub section (*3*) of section 4 of the Act.

(*d*) "permission" means a permission for sinking a well in terms of sub section (*3*) of section 5 of the Act;

(*e*) "registration" means a registration of the existing well in terms section 5 of the Act;

(*f*) "scheduled area" means an area declared by the Government as scheduled area under sub section (*1*) of section 4 of the Act;

(*g*) "water scarcity area" means an area notified by the Government as water scarcity area under sub section (*2*) of section 4 of the Act;

Words and expressions used in these rules by not defined shall have the same meaning as assigned to them under the Act.

3. *Registration of an existing well or permission for sinking a new well in the scheduled area.*— (*1*) Every application under sub-section (*1*) of section (*5*) of the Act for registration of an existing well in a Scheduled area, shall be in *Form I* hereto.

(*2*) Every application under sub section (*3*) of section 5 of the Act for sinking a new well in a Scheduled area shall be in *Form II* hereto.

(*3*) When an application for registration of an existing well or sinking a new well in a Scheduled area is personally delivered, the counterfoil receipt for the application attached to the duplicate form shall be initialled and dated by the officer receiving such application and handed back to the person from whom such application is received. In other cases, the counterfoil shall be similarly initialled and dated and shall be dispatched to the applicant as soon as may be practicable after the application is received.

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(4) On receipt of an application under sub section (1) or sub section (3) of section 5 of the Act, if the Ground Water Officer is satisfied that it shall not be against the public interest to do so, he may grant a certificate of registration of an existing well in *Form III* hereto authorizing continued use of the well or grant permission for sinking of new well in *Form IV* hereto.

(5) No person shall be refused a certificate of registration of an existing well or permission for sinking a new well unless he has been given an opportunity of being heard. The decision regarding the grant or refusal of the certificate of registration and grant or refusal of permission for sinking a new well, as the case may be, shall be intimated by the Ground Water Officer to the applicant as far as possible within a period of ninety days from the date of receipt of the application. Where it is not possible for the Ground Water Officer to grant the certificate of registration of an existing well or to grant permission for sinking a new well, as the case may be, the Ground Water Officer shall intimate the reasons therefor to the applicant so that the applicant may make a fresh application after curing the defects, if any, specified therein.

4. *Grant of permission to transport ground water in the Scheduled area.*— (1) Every application for grant of permission to transport ground water from a source of water in a Scheduled area shall be in *Form V* hereto.

(2) When application for grant of permission to transport ground water under sub-section (2) of section 6 of the Act is personally delivered, the counterfoil receipt for the application attached to the duplicate form shall be initialled and dated by the officer receiving such application and handed over back to the person from whom such application is received. In other cases, the counterfoil shall be similarly initialled and dated and shall be dispatched to the applicant as soon as may be practicable after the application is received. The Ground Water Officer may grant permission for transportation of ground water from a source of water in the Schedule area in *Form VI* hereto.

(3) No person shall be refused a permission to transport ground water from a source of water in the Scheduled area unless he has been given an opportunity of being heard. The decision regarding the grant or refusal of the permission to transport ground water from a source of water in the Scheduled area shall be intimated by the Ground Water Officer to the applicant as far as possible within a period of ninety days from the date of receipt of the application. Where it is not possible for the Ground Water Officer to grant the permission for transportation of ground water, the Ground Water Officer shall intimate reasons therefor to the applicant so that he make a fresh application after curing the defe if any, specified therein.

5. *Order for stopping extraction of water.*— An order of the Ground Water Officer under sub-section (1) of section 14 of the Act, for stopping the extraction of water or contravention of the provisions of the Act, shall be in *Form VII* hereto.

6. *Compounding of offences.*— (1) Any offence under the Act may be compounded by the Ground Water Officer by accepting from any person who has committed an offence punishable under the Act, a sum of money not exceeding the sum a stipulated in section 17 of the Act.

(2) On payment of such sum of money, the sai person, if in custody, shall be released and n further proceedings shall be taken against hi in regards to the offence so compounded.

(3) A valid receipt is to be issued for the mon so received and the same is to be remitted the Government Treasury.

(4) The composition of the offences shall done only if the custody of the offender is more required for further proceedin whatsoever.

7. *Appellate Authority to hear the appeals* Any person aggrieved by a decision or act of the Ground Water Officer may prefer an app to the Chief Engineer, Department of Wa Resources, within a period specified in Sec 20 of the Act.

8. *Requisition of wells.*— (1) A notice u section 21 of the Act, requisitioning any we water source from its owner shall be in *VIII* hereto.

9. *Permission to sink a well in non-s area.*— (1) An application asking per under sub section (2) of section 23 of the for sinking a well in the non-scheduled area, be made in *Form IX* hereto to the Ground Officer.

(2) An application seeking permission sub section (3) of section 23 of the A transporting ground water from a well in scheduled area, shall be made in *Form X* h

By order and in the name of the Go of Goa.

A. Venktaratnam, Secretary (Water Reso

Panaji, 13th February, 2003.

FORM - I

[See rule 3(1)]

Application for registration of well in the Scheduled area under section 5(1) of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002).

1a. (i) Name of the Applicant *(Surname)* *(First name)* *(Middle name)*

(ii) Age in years

(iii) Father's/Husband's name

(iv) Full Address

1b. (i) State, Govt. body/Municipality/ /Panchayat/Community

(ii) Full Address

2. Name and address of owner of land, on which the well proposed to register exists, if the Applicant himself is not the owner of the land and in what capacity applicant has applied

3. Nature of Registration — New/Renewal

4. If Renewal, reference to original registration

5. Location of the well

(i) Survey number & sub division number
(ii) Name of the land
(iii) Revenue Village/Village Panchayat
(iv) Taluka
(v) District

6. Type of well — Open well/Dug well/sunk well/bore well/tube well/ /pond/Dug-cum-Bore well/filter point/ collector well/ /infiltration gallery.

7. Details of the well
(A) Diameter/size of the well
(B) Depth of well (In case of dug-cum-bore well give details of both the open and bore well)
(C) Distance from the nearest well

8. (i) Year of construction
(ii) Year of commissioning

9. The device used for lifting the ground water

10. Details of power supply

1. Type of pump: centrifugal/turbine/submersible/jo /compressor/others
2. Horse Power
3. Pump capacity
E. D. Power Supply Connection No.

c/21

11. (i) Number of hours pumping per day
(ii) Quantity of drawal of ground water per day
(iii) Total period of use in each year

12. (i) Purpose of which the ground water is being used. — Domestic/Hotel/Industry/Construction/ /Irrigation/Agriculture/Horticulture/ /Commercial/other use (specify)

(ii) Extent of area irrigated in ha. if purpose if for irrigation/agriculture/horticulture

13. Details of services involved in case of State, Community, Municipality run water supply schemes.

Signature of the Applicant with date

DECLARATION

I, ... hereby declare that the above particulars are true to the best of my knowledge.

Signature of the Applicant with date

INSTRUCTIONS

(1) This application shall be submitted in duplicate to the Ground Water Officer or any other officer authorised by him to receive such application. It may be sent by hand, presented personally or sent by post.

(2) Incomplete applications and applications not received in the prescribed form are liable to be summarily rejected.

(3) The consent of the owner of the land (if such owner is not the applicant) should invariably accompany the application.

ACKNOWLEDGEMENT (For Office use only)

1. Name of the Applicant and address

2. Location of well
   i. Type of well
   ii. Survey No./Sub Division No.
   iii. Name of the land
   iv. Revenue Village/Village Panchayat
   v. Taluka/District

3. Entry Number & Date

Signature of Receiving Officer

FORM - II

[See rule 3(2)]

Application for sinking well in the Scheduled area under section 5(3) of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002).

1.	(i)	Name of the Applicant	*(Surname)*	*(First name)*	*(Middle name)*
	(ii)	Age in years			
	(iii)	Father's/Husband's name			
	(iv)	Full Address			
2.		Name of owner of land, on which the well is proposed to be sunk, if the applicant himself is not the owner of the land, Address			
3.		Location where the well is proposed to be sunk			
	(i)	Survey number & sub division			
	(ii)	Name of the land			
	(iii)	Revenue Village/Village Panchayat			
	(iv)	Taluka			
	(v)	District			
4.		Purpose for which well is to be sunk	Domestic/Hotel/Industry/Construction/Irrigation/ /Agriculture/Horticulture/Commercial/other use (specify)		
5.		Type of well proposed	Open well/Dug well/sunk well/bore well/tube well/ /pond/Dug-cum-Bore well/filter point/collector well/ /infiltration gallery.		
6.		Details of the proposed well			
	(A)	Diameter of the well			
	(B)	Depth of well (In case of dug-cum-bore well give details of both the open and bore well)			
	(C)	Distance from the nearest Existing well			
7.		The device proposed for lifting ground water			
8.		Details of lifting devices	1. Type of pump proposed 2. horse power 3. Pump capacity 4. Type of energy		
9.	(A)	Quantity of drawal of ground water per day			
	(B)	Number of hours pumping per day			
	(C)	The total period of use in each year.			
10.		In case of Irrigation well			
	(i)	The extent of area proposed to be irrigated			
	(ii)	Proposed cropping pattern			
11.		In case of State, Municipalities or community run water supply schemes The details of service involved The diversion of pumping points and their locations.			
12.		The probable period of sinking the well			
		The probable date of commissioning			

Signature of the Applicant with date

DECLARATION

I, ...hereby declare that the above particulars are tru
to the best of my knowledge.

Signature of the Applicant with date

INSTRUCTIONS

(1) This application shall be submitted (in duplicate) to the Ground Water Officer or any officer authorized by him to receive such applications. It may be sent by hand, presented personally or sent by post.

(2) This application shall be enclosed with site plan with survey number and showing the location of the proposed well to be sunk and details of all existing structures within a radius of 50m. from the center of the proposed well.

(3) Incomplete applications and applications not received in the prescribed form are liable to be summarily rejected.

(4) The consent of the owner of the land (if such owner is not the applicant) should invariably accompany the application.

ACKNOWLEDGEMENT (For Office use)

1. Name of the Applicant and address

2. Location of well

   i. Type of well
   ii. Survey No./ Sub Division No.
   iii. Name of the land
   iv. Revenue Village/ village Panchayat
   v. Taluka/District

3. Entry Number & Date

Signature of Receiving Officer

FORM – III

[See Rule 3(6)(2)]

Certificate of Registration of an existing well and permission for it's continuous use in the Scheduled area under section 5(4) of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002).

Registration Certificate

No. Date:

1. Register Number of well
2. Location of well
   a) Survey Number & Sub. Division
   b) Name of land
   c) Revenue Village/Village Panchayat
   d) Taluka
   e) District
3. Type of well — Dug well/dug-cum bore well/Bore/open well /tub well others

(to be specified)

4. Details of well
   (a) Diameter/size of well
   (b) Depth of well
   (c) Year of construction
   (d) Year of commissioning
5. Name of occupant and address
6. The device used for lifting the ground water
7. Details of power supply
   a) Type of pump: Centrifugal/turbine/submersible/ /Jet/Compressor/others.
   b) Horse power
   c) Pump Capacity
   d) E.D. Power supply connection number
8. (a) Number of hours of pumping allowed per day
   (b) The quantity of drawal of ground water allowed per day
   (a) The total period of use permissible in each year.
9. Validity period of registration:

This is subject to the following conditions

1. The certificate holder should not deviate in any way from specification regarding well, pump etc. mentioned above without pre-intimation and approval of the Ground Water Officer.
2. The drawal of ground water under this license should not interfere with the normal activities of the locality nor should it cause any traffic hazard.
3. The Ground Water Officer or any person duly authorized by him shall have the right to inspect the place with such assistance as may be necessary to satisfy itself or himself whether the conditions of restrictions specified are complied.

Place — *Signature of the Ground Water Officer*

Date

Copy to:

1. The Member Secretary, Ground Water Cell
2. The Assistant Engineer, Sub Div. ....., Works Div. ....., DWR

FORM – IV

[See Rule 3(6)(2)]

Permit for sinking well under section 5(4) of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002).

No. ..... date .....

Shri/Smt. ..... is hereby granted permit for sinking well in Plot No. ..... of Sub Division No. ..... of Survey No. ..... in Village ..... of Taluka ..... of District ..... for the purpose of (to be specified such as Domestic /Hotel/Industry/Construction/Irrigation/Agriculture/Horticulture/Commercial/any other purpose).

This permit is granted for sinking a well confirming to the specifications given below:—

1. Permit No.
2. Type of well — Dug well/Dug-cum-bore well/Bore well/Open well/tube well/others

C/17

3. Details of the well

A Diameter/size of the well

B Depth of well (In case of dug-cum-bore well give details of both the open and bore well)

4. The device approved for lifting the ground water

This permit is subject to the following conditions:—

1. The permit holder should not deviate any way from the Specificatio regarding well mentioned above.
2. The Ground Water Officer or any persons duly authorized by it shall ha the right to enter and inspect the place with such assistance as may necessary to satisfy itself or himself whether the conditions and restrictic specified in the permit are being complied with.
3. Any other conditions to be specified.
4. The quantity of drawal of ground water allowed per day.
5. Validity period of permit to sink a well.

Place

Date

Signature of the Ground Water Officer

Copy to:

1. The Member Secretary, Ground Water Cell
2. The Assistant Engineer, Sub Div. ....., Works Div. ....., DWR

FORM – V

[See Rule 4(1)]

Application for grant of permission for transportation of ground water in the Scheduled area under section 6(2) of the Goa Ground Water (Regulation) Act, 2002 (Goa Act 1 of 2002)

1. (i) Name of the Applicant
   (ii) Age in years
   (iii) Father's/Husband's name
   (iv) Full Address
2. Nature of Permit — New/Renewal
3. If renewal, reference to existing permit
4. Name of owner of land, from where water is proposed to be transported, if the Applicant himself is not the owner, address
5. Place of ground water extraction
   (i) Survey number & sub-division
   (ii) Name of land
   (iii) Revenue village/village Panchayat
   (iv) Taluka
   (v) District

6.	Whether permit has been obtained for extraction or use of ground water from the well? If so, give details.	
7.	Purpose for which water is to be transported.	Domestic/Hotel/Industry/Construction/Irrigation/ /Agriculture/Horticulture/Commercial/other use (specify)
8.	Details of the well	
(A)	Diameter of the well (in Meters)	
(B)	Depth of well (in case of dug-cum-bore well give details of both the open and bore well)	
9.	Type of well	Dug well/Dug-cum-Bore well/Bore well/Open well/ /Tube well
10.	Quantity proposed to be transported (liters per day)	Liters per day
11.	Mode of transport	Tanker/Lorry/Trailer/Any other goods vehicle or pipe line
12.	Whether the consent of the owner of the source of water is enclosed, if the Applicant himself is not the owner of the source.	
13.	Particulars of the vehicle use for transport	
(a)	Registration/Licence Number	
(b)	Number of trips proposed each day	

DECLARATION

I, ...hereby declare that the above particulars are true to the best of my knowledge.

Signature of the Applicant with date

INSTRUCTIONS

(1) In-complete applications and applications not received in the prescribed form are liable to be summarily rejected.

(2) The consent of the owner of the source of water (if such owner is not the applicant) should invariably accompany the application.

(3) Permit will be issued, if approved by the competent authority within a period of 90 days from the date of receipt of the Application on payment of the prescribed fee.

(4) Separate permit should be obtained for each vehicle.

ACKNOWLEDGEMENT (For Office use)

1. Name of the Applicant and address
2. Location of well
   - i. Type of well
   - ii. Survey No./ Sub Division No.
   - iii. Name of the land
   - iv. Revenue Village/ Village Panchayat
   - v. Taluka/District
3. Mode of Transport (to specify the registration number of the vehicle).
4. Entry number and date.

Signature of Receiving Officer

C/15

FORM – VI

[See Rule 4(5)(2)]

Grant of permission for Transportation of Ground Water in the Scheduled area under section 6 of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002).

License No. .....

Shri/Smt. .....

son/wife/daughter of ..... resident of ..... is hereby granted new/renewal license for extraction and transport of ground water from a well ..... in dia and .....m. in depth and existing in Sub Division No. ..... Survey No. ..... in Village ..... of ..... Taluka ..... District and bearing permit number .....for the purpose of ..... by means of .....

(type of vehicle)

a. Registration/License Number of vehicle

b. Capacity of tanker

c. Number of trips permitted each day

d. Maximum quantity of water permitted to transport per day ..... liters.

The license is valid upto 31st March .....

The license is issued subject to the following conditions:—

(i) The licensee should not deviate in any way from the specifications regarding vehicle licensed to transport, well, pump and quantity of water transported per day mentioned above.

(ii) The drawal and transport of ground water under this license shall not interfere with the normal activities of the locality nor shall it cause any traffic hazard.

(iii) The Ground Water Officer or any persons duly authorized by it shall have the right to enter and inspect the premises/vehicle with such assistance as may be necessary to satisfy itself or himself whether conditions and restrictions specified in the permit are being complied with.

(iv) The license shall always be kept in the vehicle used for transport and shall be produced for verifications by the Ground Water Officer or any person-duly authorized by it. The Ground Water Officer shall have right to restrict the use or withdraw or cancel the license giving notice for the license specifying the reasons for doing so and giving reasonable opportunity of being heard.

(v) The License is also subject to the following conditions (to be specified if any).

Place:

Date:

Signature of the Ground Water Offic

Copy to:

1. The Member Secretary, Ground Water Cell
2. The Assistant Engineer, Sub Div. ....., Works Div. ....., DWR

FORM – VII

(See Rule 10)

Order under Section 14 (1) of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002).

No. .....

ORDER

Whereas you are the owner/person in possession of the well in Sub-div. No. ..... Survey No. ..... date .... Village ..... Taluka ..... District ..... and;

Whereas it has come to my notice that you have done such act which is in contravention to the provisions of sub-section ..... section ..... of Goa Ground Water Regulation Act, 2002 (Goa Act-1 of 2002) by (enter the act of contravention).

Now, therefore in exercise of the power vested in me under Section of the Goa Ground Water Regulation Act, 2002 (Goa Act-1 of 2002). I ..... Ground Water Officer direct you to stop the drawal of water (mention if any other) from the above said well and mention here any other contravention). Forthwith/within ..... days, failing which the same will be executed by me and expenses incurred towards such execution will be recovered from you as arrears of land revenue.

To.

Signature of the Ground Water Officer

Shri/Smt. .....
.....

Copy to:

1. The Member Secretary, Ground Water Cell
2. The Assistant Engineer, Sub. Div. ....., Works Div. ....., DWR.

FORM – VIII

(See Rule 13(2))

Order under Section 21(1) of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002).

No. .....

ORDER

Whereas you are the owner/person in possession of the well in Sub-div. No. ..... Survey No. ..... date ..... Village ..... Taluka ..... District ..... and ;

Whereas it has come to my notice that there is acute shortage of drinking water in the above area and there is a need for the requisition of above well in public interest for providing water for drinking purpose.

Now, therefore in exercise of the power vested in me under Section of the Goa Ground Water Regulation Act, 2002 (Goa Act-1 of 2002). I ..... Ground Water Officer hereby requisite well mentioned above for a period of ..... months from the date of this order (to be specified).

Place:

Date:

Signature of the Ground Water Officer

C/13

To

Shri/Smt.

.....

.....

Copy to:

1. The Member Secretary, Ground Water Cell
2. The Assistant Engineer, Sub. Div. ....., Works Div. ....., DWR.

FORM – IX

[*See* Rule 9(2)]

Application for sinking well in the Non-Scheduled area under section 23(2) of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002)

1.	(i)	Name of the Applicant	*(Surname) (First name) (Middle name)*
	(ii)	Age in years	
	(iii)	Father's/Husband's name	
	(iv)	Full Address	
2.		Name of owner of land, on which the well is proposed to be sunk, if the Applicant himself is not the owner of the land, Address	
3.		Location where the well is proposed to be sunk	
	(i)	Survey number & sub-division	
	(ii)	Name of land	
	(iii)	Revenue Village/Village Panchayat	
	(iv)	Taluka	
	(v)	District	
4.		Purpose for which well is to be sunk	Domestic/Hotel/Industry/Construction/Irrigation/Agriculture/Horticulture/Commercial/other use (specify)
5.		Type of well proposed	Open well/Dug well/sunk well/bore well/tube well/ /pond/Dug-cum-Bore well/filter point/collector well/ /infiltration gallery.
6.		Details of the proposed well	
	(A)	Diameter of the well	
	(B)	Depth of well (In case of dug-cum-bore well give details of both the open and bore well)	
	(C)	Distance from the nearest existing well	
7.		The device proposed for lifting ground water	
8.		Details of lifting devices	5. Type of pump proposed 6. Horse power 7. Pump capacity 8. Type of energy
9.	(A)	Quantity of drawal of ground water per day	
	(B)	Number of hours pumping per day	
	(C)	The total period of use in each year	

10. In case of Irrigation well
(i) The extent of area proposed to be irrigated
(ii) Proposed cropping pattern

11. In case of State, Municipalities or community run water supply schemes
The details of service involved
The diversion of pumping points and their locations.

12. The probable period of sinking the well
The probable date of commissioning

Signature of the Applicant with date

DECLARATION

I, ... hereby declare that the above particulars are true to the best of my knowledge.

Signature of the Applicant with date

INSTRUCTIONS

(5) This application shall be submitted (in duplicate) to the Ground Water Officer or any officer authorized by him to receive such applications. It may be sent by hand, presented personally or sent by post.

(6) This application shall be enclosed with site plan with survey number and showing the location of the proposed well to be sunk and details of all existing structures within a radius of 50m. from the center of the proposed well.

(7) Incomplete applications and applications not received in the prescribed form are liable to be summarily rejected.

(8) The consent of the owner of the land (if such owner is not the applicant) should invariably accompany the application.

ACKNOWLEDGEMENT (For Office use)

3. Name of the Applicant and address

4. Location of well

i. Type of well
ii. Survey No./Sub-Division No.
iii. Name of the land
iv. Revenue Village/Village Panchayat
v. Taluka/District

3. Entry Number & Date

Signature of Receiving Officer

C/11

FORM – X

[See Rule 9(2)]

Application for grant of permission for Transportation of Ground Water in the Non-Scheduled area under section 23(3) of the Goa Ground Water (Regulation) Act, 2002 (Goa Act 1 of 2002)

1. (i) Name of the Applicant
   (ii) Age in years
   (iii) Father's/Husband's name
   (iv) Full Address

2. Nature of Permit — New/Renewal

3. If renewal, reference to existing permit

4. Name of owner of land, from where water is proposed to be transported, if the Applicant himself is not the owner
   Address

5. Place of ground water extraction

   (i) Survey number & sub-division
   (ii) Name of land
   (iii) Revenue village/Village Panchayat
   (iv) Taluka
   (v) District

6. Whether permit has been obtained for extraction or use of ground water from the well ?
   If so, give detail

7. Purpose for which water is to be transported — Domestic/Hotel/Industry/Construction/Irrigation/Agriculture/Horticulture/Commercial/other use (specify)

8. Details of the well

   (A) Diameter of the well (in Meters)
   (B) Depth of well (In case of dug-cum-bore well give details of both the open and bore well)

9. Type of well — Dug well/Dug-cum-Bore well/Bore well/Open well/Tube well

10. Quantity proposed to be transported (liters per day) — Liters per day

11. Mode of transport — Tanker/Lorry/Trailer/Any other goods vehicle or pipe line

12. Whether the consent of the owner of the source of water is enclosed, if the Applicant himself is not the owner of the source.

13. Particulars of the vehicle use for transport

   (a) Registration/Licence Number
   (b) Number of trips proposed each day

DECLARATION

I, ... hereby declare that the above particulars are true to the best of my knowledge.

Signature of the Applicant with date

INSTRUCTIONS

(1) In complete applications and applications not received in the prescribed form are liable to be summarily rejected.

(2) The consent of the owner of the source of water (if such owner is not the applicant) should invariably accompany the application.

(3) Permit will be issued, if approved by the competent authority within a period of 90 days from the date of receipt of the Application on payment of the prescribed fee.

(4) Separate permit should be obtained for each vehicle.

ACKNOWLEDGEMENT (For Office use)

1. Name of the Applicant and address

2. Location of well

   i. Type of well
   ii. Survey No./Sub-Division No.
   iii. Name of the land
   iv. Revenue Village/Village Panchayat
   v. Taluka/District

3. Mode of Transport (to specify the registration number of the vehicle).

4. Entry number and date.

Signature of Receiving Officer

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c/32

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RNI No. GOAENG/2002/6410

Panaji, 13th April, 2005 (Chaitra 23, 1927)

SERIES I No. 1

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY
No. 2

GOVERNMENT OF GOA

Department of Water Resources

Office of the Superintending Engineer

Notification

207/CE-WR-CPO/2005-06/22

Read: Notification No. 28-1/CE-WR-EO/987 dated 13-2-2003, Published in the Official Gazette, Series I No. 46, dated 13-2-2003.

In exercise of the powers conferred by section 26 of the Goa Ground Water regulation Act, 2002 (Goa Act No. 1 of 2002), the Government of Goa hereby makes the following rules so as to amend to the Goa Ground Water Regulation Rules, 2003 as follows, namely:—

1. *Short title and commencement.*— (*1*) These rules may be called the Goa Ground Water Regulation (Amendments) Rules, 2005.

(2) They shall come into force from the date their to publication in the Official Gazette.

2. *Amendment of Rule 4.*— In Rule 4 of the Goa Ground Water Regulation Rules, 2003 (hereinafter referred to as the "Principal Rules") after sub-rule.

(*1*) The following sub-rule shall be inserted, namely:—

(*1A*) "Every application to be submitted under sub-rule (*1*) above shall be accompanied with following documents, namely:—

(*1*) A certificate issued by the Goa State Pollution Control Board as to the fitness of the source of water for potable use.

(*2*) A Certificate obtained from the Directorate of Transport that body of water tanker transporting potable water have internal stainless steel linings or an undertaking to ensure compliance with this requirements positively within six months period from the date of application.

(*3*) No objection Certificate obtained from the Directorate of Health Services, on the suitability of the tanker for carrying potable water, to be submitted every six months.

(*ii*) After Sub-Rule (*3*), the following sub-rule shall be inserted, namely:—

(*4*) "The Ground Water Officer or any person authorized by the Government shall carry out periodical inspection of quality of water at source of water and in the water tankers. Such inspections shall be carried out in general rogularly with monthly intervals during the monsoon period (June to September) and at interval of three months during the remaining months of the year.

3. *Amendment of Rule 9.*— In rule 9 of the principal Rules, after sub-rule (2) the following sub-rules shall be inserted namely:—

(3) "Every application to be submitted under sub-rule (2) above shall be accompanied with the following documents:—

(1) A certificate issued by the Goa State Pollution Control Board as to the fitness of the source of water for potable use.

(2) A Certificate obtained from the Directorate of Transport that body of water tanker transporting potable water have internal stainless steel linings or an undertaking to ensure compliance with this requirements positively within six months period from the date of application.

(3) No Objection Certificate obtained from the Directorate of Health Services on the suitability of the tanker for carrying potable water, to be submitted every six months.

(4) When an application under sub-rule (2) above is personally delivered, the counter foil receipt for the application attached to the duplicate form shall be initialed and dated by the Officer receiving such application and handed over back to the person from whom such application is received. In other cases, the counter foil shall be similarly initialed and dated and shall be dispatched to the applicant as soon as may be practicable after the application is received.

(5) The Ground Water Officer shall *grant permission for transportation of ground water from a well in Non-Scheduled area* in Form here to.

(6) The Ground Water Officer or any person authorized by the Government shall carry out periodical inspection of quality of water at source of water and in the water tankers. Such inspections shall be carried out in general regularly with monthly interval during the monsoon period (June to September) and at intervals of three months during the remaining months of the year.

(7) No person shall be refused a permission to transport ground water from a well in Non-Scheduled area unless he has been given an opportunity of being heard. The decision regarding the grant or refusal of the permission to transport ground water from a source of water in the non-Scheduled area shall be intimated by the Ground Water Officer to the applicant as far as possible within a period of ninety days from the date of receipt of the application. Where it is not possible for the Ground water Officer to grant the permission for transportation of ground water, the Ground Water Officer shall intimate the reasons therefore the applicant so that he may make a fresh application after curing the defects, if any, specified therein".

Amendment of Forms for existing Forms V, VI and X appended to the principal Rules, the following Forms shall be respectively substituted namely:—

FORMS — V

[*See* rule 4 (1)]

Application for grant of permission for transportation of ground water in the Scheduled ared under section 6(2) of the Goa Ground Water (Regulation) Act, 2002 (Goa Act 1 of 2002).

(1) (i) Name of the Applicant
(ii) Age in years
(iii) Father's /Husband's name
(iv) Full Address

(2) Nature of Permit — New/Renewal

(3) If renewal, reference to existing permit

(4) Name of owner of land, from where water is proposed to be transported, if the Applicant himself is not the owner
Address

(5) Place of ground water extraction
(i) Survey number & sub-division
(ii) Name of land
(iii) Revenue Village/Village Panchayat
(iv) Taluka
(v) District

C/30

(6)	Whether permit has been obtained for extraction or use of ground water from the well/source? If so, give detail	
(7)	Purpose for which water is to be transported.	Domestic/Hotel/Industry/Construction/Irrigation/ /Agriculture/Horticulture/Commercial/other use (specify)
(8)	Details of the well/source	
	(A) Diameter of the well (in Meters)	
	(B) Depth of well (In case of dug-cum-bore well give details of both the open and bore well)	
(9)	Type of well	Dug well/Dug-cum-Bore well/Bore well/Open well/ /Tube well/any other source
(10)	Quantity proposed to be transported (liters per day)	Liters per day
(11)	Mode of transport	Tanker/lorry/Trailer/Any other goods vehicle or pipe line
(12)	Whether the consent of the Owner of the source of water is enclosed, if the Applicant himself is not the Owner of the source.	
(13)	Particulars of the vehicle use for transport	
	(a) Registration/License Number	
	(b) Number of trips proposed each day	

DECLARATION

I..... hereby declare that the above particulars are true to the best of my knowledge.

Signature of the Applicant with date

INSTRUCTIONS

(1) In complete applications and applications not received in the prescribed form are liable to be summarily rejected.

(2) The consent of the owner of the source of water (if such owner is not the applicant) should invariably accompany the application.

(3) The following certificate should invariably accompany the applications:

(i) A certificate issued by the Goa State Pollution Control Board as to the fitness of the source for potable use.

(ii) Certificate obtained from the Directorate of Transport that body of water tanker transporting potable water have internal stainless steel linings or an undertaking to ensure compliance with this requirements positively within six months period from the date of application.

(iii) No Objection Certificate obtained from the Directorate of Health Services on the suitability of the Tanker for carrying potable water.

(iv) Separate permit should be obtained for each vehicle/each source of water.

C/29

ACKNOWLEDGEMENT (For Office Use)

(1) Name of the Applicant and address

(2) Location of well/Source of water

(i) Type of well/Source of water
(ii) Survey No./Sub Division No.
(iii) Name of the land
(iv) Revenue Village/village Panchayat
(v) Taluka/District

(3) Mode of Transport (to specify the registration number of the vehicle).

(4) Entry number and date.

Signature of receiving officer

FORM - VI

[See rule 4(2)]

Grant of permission for transportation of Ground Water in the Scheduled area under section 6 of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002)

License No. .....

Shri/Smt. ..... son/wife/daughter of ..... resident of ..... is hereby granted new/renewal license for extraction and transport of ground water from a well ..... in dia. and ..... m. in depth and existing in Sub Div. No. ..... Survey No. ..... in Village ... .of .....Taluka .....,District and bearing permit number ..... for the purpose of ..... by means of .....(type of vehicle).

(a) Registration/ License Number of vehicle :

(b) Capacity of tanker

(c) Number of trips permitted each day

(d) Maximum quantity of water permitted to transport per day ..... liters.

The license is valid upto 31st March .....

The license is issued subject to the following conditions:—

(i) The licensee should not deviate in any way from the specifications regarding vehicle licensed to transport source of water, pump and quantity of water transported per day mentioned above.

(ii) The licensee shall obtain No Objection Certificate from the Directorate of Health Services, every six months, on the suitability of the tanker for carrying potable water.

(iii) The drawal and transport of ground water under this license shall not interfere with the normal activities of the locality nor shall it cause any traffic hazard.

(iv) The Ground Water Officer or any person duly authorized by the Government shall have the right to enter and inspect the premises/vehicle with such assistance as may be necessary to satisfy himself whether the conditions and restrictions specified in the permit are being complied with.

(v) The license and certificate issued by the Directorate of Health Services on suitability of the tanker for carrying potable water shall always be kept in the vehicle used for transport and shall be produced for verifications by the Ground Water Officer or any person duly authorized by to Government License shall prominently display on the body of tanker the following:

(1) license No. Issued by the Ground Water Officer for Transporting water.	
(2) Name of Tanker Owner.	
(3) Source of water:	
(a) Place/Location:	
(b) Ownership	
(4) Certificate No. issued by the Goa State Pollution Control Board for fitness of the source of water for potable use.	
(5) Certificate issued by the Directorate of Transport for internal stainless steel lining for tanker.	

The Ground Water Officer shall have the right to restrict the use, withdraw, or cancel the license by giving notice to the licensee specifying the reasons for doing so and giving him reasonable opportunity of being heard.

(vii) The License is also subject to the following conditions. (to be specified if any).

Signature of the Ground Water Officer

Place:

Date:

Copy to:

(1) The Member Secretary, Ground Water Cell.
(2) The Assistant Engineer, Sub.Div. ....., Works Div. ....., DWR.

FORM — X

[*See* rule 9 (2)]

Application for grant of permission for transportation of ground water in the Non-Scheduled area under section 23(3) of the Goa Ground Water (Regulation) Act, 2002 (Goa Act 1 of 2002).

(1) (i) Name of the Applicant
(ii) Age in years
(iii) Father's /Husband's name
(iv) Full Address

(2) Nature of Permit — New/Renewal

(3) If renewal, reference to existing permit

(4) Name of owner of land, from where water is proposed to be transported, if the Applicant himself is not the owner
Address

(5) Place of ground water extraction
(i) Survey number & sub division
(ii) Name of land
(iii) Revenue Village/Village Panchayat
(iv) Taluka
(v) District

(6) Whether permit has been obtained for extraction or use of ground water from the well/source? If so, give detail

C/27

(7)	Purpose for which water is to be transported.	Domestic/Hotel/Industry/Construction/Irrig /Agriculture/Horticulture/Commercial/ use (specify)
(8)	Details of the well/source	
	(A) Diameter of the well (in Meters)	
	(B) Depth of well (In case of dug-cum-bore well give details of both the open and bore well)	
(9)	Type of well	Dug well/Dug-cum-Bore well/Bore well/Open well/ /Tube well/any other source and liters per day
(10)	Quantity proposed to be transported (liters per day)	
(11)	Mode of transport	Tanker/lorry/Trailer/Any other goods vehicle or pipe line
(12)	Whether the consent of the Owner of the source of water is enclosed, if the Applicant himself is not the Owner of the source.	
(13)	Particulars of the vehicle use for transport	
	(a) Registration/License Number	
	(b) Number of trips proposed each day	

DECLARATION

I,..... hereby declare that, the above particulars are true to the best of my knowledge.

Signature of the Applicant with date

INSTRUCTIONS

(1) In complete applications and applications not received in the prescribed form are liable to be summarily rejected.

(2) The consent of the owner of the source of water (if such owner is not the applicant) should invariably accompany the application.

(3) The following certificate should invariably accompany the applications:

(i) A certificate issued by the Goa State Pollution Control Board as to the fitness of the source for potable use.

(ii) Certificate obtained from the Directorate of Transport that body of water tanker transporting potable water have internal stainless steel linings or an undertaking to ensure compliance with this requirements positively within six months period from the date of application.

(iii) No Objection Certificate obtained from the Directorate of Health Services on the suitability of the Tanker for carrying potable water.

(4) Permit will be issued, if approved by the competent authority within a period of 90 days from the date of receipt of the application on payment of the prescribed fee.

(5) Separate permit should be obtained for each vehicle/each source of water.

ACKNOWLEDGEMENT (For Office Use)

1) Name of the Applicant and address

2) Location of well/Source of water

(i) Type of well/Source of water
(ii) Survey No./Sub Division No.
(iii) Name of the land
(iv) Revenue Village/village Panchayat
(v) Taluka/District

(3) Mode of Transport (to specify the registration number of the vehicle).

(4) Entry number and date.

Signature of receiving officer

Insertion of new Form XI — After Form X appended to the principal Rules, the following Form XI, shall be inserted, namely:—

FORM - XI

[*See* rule 9(5)]

Grant of permission for transportation of Ground Water in the Non-Scheduled area under section 23(3) of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002)

License No. .....

Shri/Smt. ..... son/wife/daughter of ..... resident of .....
is hereby granted new/renewal license for extraction and transport of ground water from a well ..... in dia. and ..... m. in depth and existing in Sub Div. No. ..... Survey No. .....
in Village .....of.....Taluka .....District and bearing permit number ..... for the purpose of ..... by means of .....(type of vehicle).

(a) Registration/ License and Number of vehicle :

(b) Capacity of tanker

(c) Number of trips permitted each day

(d) Maximum quantity of water permitted to transport per day ..... liters.

The license is valid upto 31st March .....

The license is issued subject to the following conditions:—

(*i*) The licensee should not deviate in any way from the specifications regarding vehicle source of water, pump and quantity of water transported per day mentioned above.

(*ii*) The licensee shall obtain and No Objection Certificate from the Directorate of Health Services, every six months, on the suitability of the tanker for carrying potable water.

(iii) The drawal and transport of ground water under this license shall not interfere with the normal activities of the locality nor shall it cause any traffic hazard.

(iv) The Ground Water Officer or any person authorized by the Government shall have the right to enter and inspect the premises/vehicle with such assistance as may be necessary to satisfy himself whether the conditions and restrictions specified in the permit are being complied with.

(v) The license and certificate issued by the Directorate of Health Services on suitability of the tanker for carrying potable water shall always be kept in the vehicle used for transport and shall be produced for verifications by the Ground Water Officer or any person duly authorized License shall prominently display on the body of tanker the following:

(1) license No. Issued by the Ground Water Officer for Transporting water.	
(2) Name of Tanker Owner.	
(3) Source of water:	
(c) Place/Location:	
(d) Ownership	
(4) Certificate No. issued by the Goa State Pollution Control Board for fitness of the source of water for potable use.	
(5) Certificate number issued by the Directorate of Transport for internal stainless steel lining for tanker.	

(vi) The Ground Water Officer shall have the right to restrict the use, withdraw, or cancel the license by giving notice to the license specifying the reasons for doing so and giving him reasonable opportunity of being heard.

(vii) The License is also subject to the followinig conditions. (to be specified if any).

Signature of the Ground Water Officer

Place:

Date:

Copy to:

(1) The Member Secretary, Ground Water Cell.
(2) The Assistant Engineer, Sub. Div. ....., Works Div....., DWR.

By order and in the name of the Governor of Goa.

Santosh Vaidya, Secretary (Water Resources).

Panaji, 12th April, 2005.

GOVERNMENT PRINTING PRESS,
PANAJI - GOA.
Price : Rs. 8.00

GR/RNP/GOA/32

2003 YEAR OF THE CHILD

RNI No. GOAENG/2002/6410

SERIES II No. 51

th March, 2003 (Chaitra 3, 1925)

FFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

No. 5

GOVERNMENT OF GOA

Department of Water Resources

Office of the Chief Engineer

—

Notification

No. 28-1/CE-WR-EO/2002-03/1134

In exercise of powers conferred by sub-section 3 & 4 of Section 3 of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002) the Government is pleased to designate the following officers as "Ground Water Officers" to implement and to carry out the purposes of the said Act:-

(A) Executive Engineer, Works Division I, Department of Water Resources, Panaji – for Pernem, Bardez, Satari, Bicholim and Tiswadi Talukas.

(B) Executive Engineer, Works Division II, Department of Water Resources, Gogol, Margao – for Ponda, Mormugao, Salcete, Sanguem, Quepem and Canacona Talukas.

This notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

S. D. Sayanak, Chief Engineer (WR) & Ex-Officio Addl. Secretary.

Panaji, 21st March, 2003.

Reg. No. GR/RNP/GOA/32

2003 YEAR OF THE CHILD

RNI No. GOAENG/2002/6410

Panaji, 6th March, 2003 (Phalguna 15, 1924)

SERIES II No. 49

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Urban Development

—

Order

No. 4/4-TCP/2002/UDD(Part)/123

Read: 1. Order No. 4/4-TCP/2002/UDD/1229 (Part)/26 dated 14-1-2003.

2. Order No. 4/4-TCP/2002/UDD/80 dated 3-2-2003.

The period indicated in the last para of the above referred order dated 3-2-2003 fixing the time limit for submission of report to the State Government is extended upto 15-3-2003.

By order and in the name of the Governor of Goa.

S. G. Korgaokar, Under Secretary (Rev. II).

Panaji, 4th March, 2003.

———♦♦♦———

Department of Water Resources

Office of the Chief Engineer

—

Notification

No. 28-1/CE-WR-EO/2002-03/1073

In exercise of powers conferred by Section 3 of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002) the Government is pleased to constitute "The Goa Ground Water Cell" as follows to implement and to carry out the purposes of the above said Act:-

1. The Chief Engineer (WR) — Chairman
2. The Superintending Engineer, Central Planning Organisation, Department of Water Resources. — Member
3. The Superintending Engineer, Circle I, Minor Irrigation. — Member
4. The Executive Engineer, Works Division I, Minor Irrigation Department of Water Resources. — Member
5. The Executive Engineer, Works Division II, Minor Irrigation, Department of Water Resources. — Member
6. Sr. Hydrogeologist, Circle I, Minor Irrigation, Department of Water Resources. — Member Secretary.

This notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

S. D. Sayanak, Chief Engineer (WR) & Ex-Officio Additional Secretary.

Panaji, 5th March, 2003.

An employee of the Panchayat shall not take involve in any political activities, directly ectly, and also shall not contest elections nchayat, Zilla Panchayat, Legislative bly and Parliament.

he working hours of the employees shall observed by the respective Panchayats.

ny appointment made by the Panchayat ravention of the provisions of this Order e void *ab-initio* and any salary of any paid to any employee due to such ment shall be recovered from the person ble for such appointment. An employee d in contravention of the provisions of er shall not be entitled to claim any right intion of his appointment.

he provisions of sub-clause (5) above of r shall apply to those employees who employed by the Panchayats after cement of this Order.

mination from service.— No permanent orary employee shall be terminated rvice unless a fair and reasonable ity is afforded to him/her and proper is conducted as per the Central ice (Classification, Control and Appeal)

vings.— All the appointments made prior mencement of this Order shall not be asons of educational qualifications ge and all such appointments shall d to have been made under this

20. *Funds.*— The respective Panchayat shall maintain a separate fund and open a separate Bank Accounts to deposit the fund for the payment of salary and allowances of the employees of the Panchayat.

By order and in the name of the Governor of Goa.

P. M. Borkar, Director of Panchayats & ex officio Joint Secretary.

Panaji, 5th March, 2003.

Department of Water Resources

Notification

28-1/CE-WR-EO/2002-03/1072

In exercise of powers conferred by Section 1 of sub-section 3 of the Goa Ground Wate. Regulation Act, 2002 (Goa Act 1 of 2002) and as per Section 1 of sub-section (2) of the Goa Ground Water Regulation Rules, 2003, The Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002) and the Goa Ground Water Regulation Rules, 2003 made there under shall come into force from 17-3-2003 is hereby published for the general information of the public.

By order and in the name of the Governor of Goa.

S. D. Sayanak, Chief Engineer (WR) & ex officio Addl. Secretary.

Panaji, 5th March, 2003.

Annexure – V

Department of Industries

Directorate of Industries, Trade & Commerce

Notification

No. 3/40/2003-IND(XV)

Whereas vide Notification No.1/49/2000/S (IND)/Vol. II dated 4-8-2003, published in the Official Gazette, Extraordinary No.4 Series I No. 18 dated 6-8-2003, the Government of Goa notified the Goa Industrial Policy, 2003 (hereinafter referred to as the "said Policy").

Now, in pursuance of "said Industrial Policy" the Government of Goa is pleased to classify he Industrial s under :—

RED CATEGORY

Following Manufacturing industries are classified under Red category :—

1. Fertilizer (Basic) (excluding formulation)
2. Pulp & paper (paper manufacturing with or without pulping)
3. Chlor alkali
4. Dyes and Dye-intermediates
5. Pesticides (Technical) (excluding formulation)
6. Petrochemicals (manufacturing of and not merely use of as raw material)
7. Synthetic rubber
8. Industrial Carbon including electrodes and graphite blocks , activated carbon, carbon black, etc
9. Pigments and intermediates
10. Synthetic resins
11. Petroleum products involving storage, transfer or processing
12. Lubricating oils, greases or petroleum-based products

13. Manufacturing of Granules , Synthetic fibre, including rayon, tyre cord, polyester filament yarn
14. Surgical and medical products involving prophylactics and latex
15. Chemical, petrochemical and electrochemicals including manufacturing of acids such as Sulphuric Acid, Nitric Acid, Phosphoric Acid, etc
16. Chlorates, perchlorates and peroxides
17. Glue and gelatine
18. Vegetable oils including solvent extracted oils, hydro-generated oils
19. Asbestos and asbestos-based industries
20. Steel and steel products including coke involving use of any of the equipments such as blast furnaces, open hearth furnace, induction furnace or arc furnace, etc or any of the operation or process such as heat treatment, acid pickling, rolling or galvanizing, etc
21. Lime manufacturing
22. Tobacco products including cigarettes and tobacco processing
23. Coal liquefaction, coal tar distillation or fuel gas making
24. Phosphorous and its compounds
25. Explosives including detonators, fuses , etc
26. Fire Crackers other than cottage industries
27. Chlorine, fluorine, bromine, iodine and their compounds
28. Hydrocyanic acid and its derivaties
29. Ceramic/refractories
30. Manufacturing of Mirror from sheet glass
31. Sugar (Excluding Khandsari)
32. Coke Making.

Following Processing and/or Servicing industries are classified under Red category:—

1. Oil refinery (Mineral Oil or Petro refineries)
2. Tanneries
3. Zinc smelter
4. Copper smelter

5. Alluminium smelter
6. Yarn and Textile processing involving scouring, bleaching, dyeing, printing or any effluent/emission generating process
7. Dry coal processing
8. Phosphate rock processing plants
9. Coal liquefication, coal tar distillation or fuel gas making
10. Processes involving chlorinated hydrocarbons
11. Anodizing
12. Lead Processing
13. Distilling industry fragmentation
14. Thermal power plant
15. Iron & Steel (Involving processing from ore/scrap/Integrated steel plant.

ORANGE CATEGORY

Following Manufacturing industries are classified under Orange Category :—

1. Cement
2. Tyres & tubes Vulcanisation /Retreading /moulding
3. Paints and varnishes (excluding blending /mixing)
4. Khandsari sugar
5. Glass and fibre glass production and processing
6. NPK Fertiliser/Granulation.
7. Fermentation industry including manufacture of yeast, beer, etc
8. Pesticides/Insecticides/Fungicides/Herbicides/Agrochemical formulation.
9. Industry or process involving foundry operations
10. Potable Alcohol (IMFL) by blending or distillation of alcohol.
11. Pharmaceutical (bulk drugs).

Following Processing and/or Servicing industries are classified under Orange category:—

1. Incineration plant
2. Power Generating Plant (excluding D.G. set)
3. Stone crushers

4. Laboratory chemicals involving distillation, purification process
5. Glass and fibre glass production and processing
6. Industry or process involving metal treatment or process such as picking, surface coating, paint baking, paint stripping, heat treatment, phosphating or finishing, etc.
7. Fermentation industry including manufacture of yeast, beer, etc.
8. Distillery (excluding fermentation industry)
9. Slaughter houses and meat processing unit
10. Industry or process involving electroplating operation.

SPECIFIED ORANGE CATEGORY

Following Manufacturing industries are classified under Specified Orange Category :—

1. Synthetic detergent & soap
2. Industrial or inorganic gases
3. Malted food
4. Non-alcoholic beverages (soft drinks)
5. Fragrances and industrial perfumes
6. Food addictives, nutrients and flavours
7. Manufacturing of wines
8. Photographic films and chemicals
9. Pulping and fermenting of coffee beans
10. Water softening and demineralised plants.

Following Processing and/or Servicing industries are classified under Specified Orange category:—

1. Instant tea/coffee, coffee processing
2. Hotel and Restaurants.

GREEN CATEGORY

Following Manufacturing industries are classified under Green category:—

1. Pharmaceutical Formulation (Injectables and tablets)
2. Bakery Products, Biscuits, Confectionery

3. Ice-cream or Ice –making
4. Tailoring and garments making
5. Cotton and woolen hosiery
6. Apparel making
7. Handloom weaving
8. Shoelace manufacturing
9. Gold and Silver smithy
10. Leather footwear and leather products excluding tanning and hide processing
11. Musical instruments manufacturing
12. Sports goods
13. Bamboo and cane products (only dry operation)
14. Cardboard or corrugated box and paper products(Paper or pulp manufacturing excluded)
15. Insulation and other coated papers(Paper or pulp manufacturing excluded)
16. Scientific and Mathematical instruments
17. Furniture (Wooden and steel)
18. Assembly of domestic electrical appliances
19. Radio assembling
20. Fountain pens
21. Ropes (Cotton, Fishnet and Synthetic)
22. Carpet Weaving
23. Assembling of air coolers, conditioners, refrigerators and other Home appliances
24. Assembling of bicycles, baby carriage and other small non-motorised vehicles
25. Electronics equipments (Assembling)
26. Toys
27. Paint (by mixing process only)
28. candles
29. Carpentry (excluding saw mill)
30. Oil ginning/expelling (no hydrogenation/refining)
31. Jobbing and machining
32. Manufacture of steel trunks and suitcases
33. Paper pins and U-clips
34. Block making for printing

35. Optical frames
36. Power looms/handlooms (without dyeing & bleaching)
37. Printing Press
38. Garments stitching, tailoring
39. Thermometer making
40. Footwear (rubber)
41. Plastic processed goods and goods manufactured from garments like nylon, plastic, polyesters, PVC by process of moulding and /or extrusion including filaments and fibre
42. Medical and surgical instruments
43. Electronic and electrical goods
44. Rubber goods industry
45. Light engineering involving pressing and machining operation
46. Manufacturing and assembling of D. G. sets
47. Manufacturing and assembling of computer and computer peripherals
48. I.T. industries
49. Cotton spinning and weaving
50. Flour Mill (excluding domestic Aata chakki)
51. Organic Nutrients
52. Surgical and Medical products not involving effluents/emission generating process
53. Laboratory–ware
54. Wire drawing (cold process) and bailing straps
55. Atta–chakkies
56. Rice mullors
57. Steeping and processing of grains
58. Mineralised water
59. Dal mills
60. Groundnut Decorticating (Dry)
61. Supari (betelnut) and masala grinding
62. Gold and Silver thread zari work
63. Pulverizing.

Following Processing and/or Servicing Industries are classified under Green category:—

1. Milk Processing and Dairy products (Integrated project)
2. Food including fruits and vegetables processing
3. Fish processing
4. Chilling plant and Cold Storages
5. Leather footwear and leather products excluding tanning and hide processing
6. Jobbing and machining
7. Automobile servicing and repairs stations.

Note:– Any Industry/industrial activity which do not fall under any of the above mentioned four categories (i.e. Red, Orange, Specific Orange and Green), decision with regards to their categorization/classification will be taken by the Government from time to time when such need arises either suo moto or on the specific request by the Industrial unit or Industrialist. (Industrial unit or Industrialist may apply to the Director of Industries in this respect for necessary action).

This issues after considering the guidelines/suggestions given by the Goa State Pollution Control Board and Department of Science, Technology and Environment.

By Order and in the name of the Governor of Goa.

Smt. Jayshree Raghuraman, Secretary (Industries).

Panaji, 25th November, 2004.

COMPLAINTS AND GRIEVANCES

For any complaint or grievance, the following officers may be contacted:

1. Shri Yetindra M. Maralkar,
Director of Industries, Trade and Commerce
&
Public Grievance Officer

2. Shri Prasad V. Lolayekar,
General Manager (DIC)

The Headquarters of the Department of Industries, Trade and Commerce and the offices of the Director, DITC and General Manager (DIC) are on the first floor of Udyog Bhavan, near Police Head Quarters, Panaji Goa.

For details and any enquiry about the schemes and various incentives provided, the in-charge of the FACILITATION COUNTER, Shri Rui M. R. de Araujo, Industries Officer, may be contacted. The Facilitation Counter is situated at the entrance of the DITC premises.

Contact Officer for

CITIZEN'S CHARTER

Shri V. P. Singnapurker, Statistical Officer

NOTE ON S.M.W.P. 1 / 2005

(FOR THE PERUSAL OF HON'BLE HIGH COURT)

Suo Moto Writ Petition No. 1/2005 was registered on 5th April 2005 on the basis of an editorial captioned "Rain and Dry Taps" which was published in 'Navhind Times' dated 24th March 2005. The editorial, *interalia* indicated that people in Goa do not get adequate drinking water which is their basic need and that over the passing years the situation is turning critical on account of lack of proper water management. The editorial also indicated that considerable water is lost due to pipe bursts, leaking of taps and overflowing of tanks which appears to be on account of lack of proper maintenance work. Editorials of two other newspapers, 'Herald' dated 24.3.2005 and 'Gomantak Times' dated 25.3.2005 also indicated acute shortage of water in some parts of Goa.

The State was asked to file its affidavit dealing with the following aspects:

a. Steps taken/proposed to be taken by the Government to supply adequate pollution free water for drinking in urban and rural areas.
b. Steps taken/proposed to be taken by the Government for supply of water for non-drinking purposes.
c. Steps taken/proposed to be taken by the Government to avoid wastage of water due to pipe leaks, leaking of taps and overflowing of tanks.
d. Steps taken/proposed to be taken by the Government for proper water management.

Subsequently, and as the matter progressed, two additional issues were also considered namely:

e. Protection of ground water in the State.
f. Formulation of a policy for siting of industries in the state

The Goa State Pollution Control Board and the Central Pollution Control Board were also joined as Respondents to the petition.

From time to time affidavits have been filed by the aforesaid Respondents disclosing various steps taken on the issues outlined above. Among the works/measures that have been stated to have been initiated during the pendency of the petition and are now either completed or pending completion are the following:

1. A Water Supply Helpline has been set up by the Government to compulsorily register complaints from consumers from all over Goa about water quantity, pressure, leakages, billing complaints, tanker requirements, etc. These are transmitted to the concerned divisions to be attended to on priority basis. The two numbers of the helpline are 2420069 and 2420070. The helpline operates from 8 a.m. to 8 p.m. on all working days. It is proposed to extend the services to 24 hours coverage in the near future.

2. The Government has installed and commissioned a Supervisory Control and Data Acquisition System (SCADA) for the Opa water supply in order to regulate the flow of

water so as to bring down wastage due to bursting of pipe lines and also to achieve equitable water supply to all consumers. If the system is found to be successful it is proposed to provide the same to other water supply schemes in Goa.

3. Government has replaced old leaking pipes in several talukas of Goa in order to reduce unaccounted flow of water. This is stated to be an ongoing process. Replacement of pipe line from Xelpem to Margao (25 kms) was completed on 30th May 2009.

4. Non-working or defective water meters have been repaired / replaced. 30,000 durable water meters have been purchased and are being installed zone wise. The work is expected to be completed by January 2011. Another 1 lakh water meters are planned to be purchased. As regards the procurement of new meters, it is stated that the supplier will have the responsibility to maintain the same for 6 years.

5. Public taps have been disconnected all over Goa and instead free water connections have been provided to BPL families.

6. Additional water treatment plants have been set up at

   a. Selaulim (25 MLD) – completed in May 2009.
   b. Canacona (10 MLD) – to be completed in April 2010.
   c. Dabose (10 MLD) – to be completed in April 2010.
   d. Assanora (50 MLD) – to be completed in July 2010.

7. The Government of Goa has entered into tripartite Agreement with Government of India and Government of Japan to take external assistance for major water supply projects. As per the agreement, Japan International Cooperation Agency (JICA) is preparing a master plan for adequate and equitable water distribution facilities in Goa.

8. Implementation of the Goa Ground Water Regulation Act 2002 (GGWRA) including classification of areas, designation of ground water officers, registration of water tankers and ground water structures such as open well, bore well and shallow well from which the tankers are drawing water. A licence is issued permitting applicant to draw water only from that source and the licensee is required to install a water meter to the lifting device at the source of ground water. The water tanker is to display on the body of the tanker the license number, source of drawal of water, name of tanker owner, certificate number from Goa State Pollution Control Board for fitness for source of water for potable use and certificate number from Director of Transport for internal stainless steel lining for tankers for potable water.

9. The State Pollution Control Board and Central Pollution Control Board have together finalized the Environmental Atlas for the State of Goa, Zoning Atlas for Siting of Industries and Industrial Siting Guidelines for North and South Goa. The Environmental Atlas is a compilation of environmental related information in the form of maps, text and

statistical data on surface/ground water features, environmentally sensitive zones as well as major sources of pollution. The Zonal Atlas interrelates the sensitivity of environment with the pollution potential of industries so as to identify sites for locating industries so that the risk of pollution and adverse impact on environment would be minimum. The Industrial Siting Guidelines have specific recommendations for locating industries in North and South Goa districts. These documents were compiled after interactive meetings with all stake holders, i.e., various concerned government department, industry representatives, NGOs, etc.

[With reference to State Govt's stand on this point, Hon'ble High Court may refer to orders dated 6th July 2009, 20th July 2009, 28th January 2010 and the affidavits of Shri Sanjit Rodrigues, Director, Directorate of Industries dated 6th July 2009 and 1st April 2010].

Prepared by Norma Alvares, Amicus Curiae

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 1 OF 2010

SHRI SOTER D'SOUZA AND ANR., ... Petitioners
Versus
STATE OF GOA AND ANR., ... Respondents

Mrs. Norma Alvares, Amicus Curiae.
Mr. M. Salkar, Additional Government Advocate for Respondents.

Coram:- D. G. KARNIK &
F. M. REIS, JJ.

Date:- 14th October, 2010

P.C.

1. Heard the learned Counsel for the parties.

2. The Respondents have filed an affidavit dated 14th October, 2010 sworn in by Mr. K. H. Kamaladinni, Executive Engineer, Division XVII, Public Works Department (PWD). The undertakings given in the affidavit dated 14th October, 2010 are recorded and accepted. In view of the undertakings contained in the affidavit and on hearing the submissions of the parties, the following order is passed :

O R D E R

(i) The respondents would abide by the statements made in the affidavit dated 14th October, 2010 sworn in by Mr. K. H. Kamaladinni. In addition to the said direction, we issue the following directions.

(ii) The water would be supplied regularly at least for one hour every day to Porvorim/Socorro areas, save in exceptional

circumstances.

(iii) Fortnightly schedule of timings for water supply shall be displayed prominently at the concerned reservoir/overhead tanks.

(iv) The respondents shall make an arrangement for receiving the complaints regarding any irregularities in the water supply. For the time being complaints may be made to any of the four officers mentioned in para 2 of the affidavit. Any change in the officers, their telephone numbers shall be notified by the respondents while putting up the schedule of timings of the water supply at the reservoir/overhead tanks.

(v) The respondents shall not give any new water connections to any body directly through the main pipeline but the connections shall be given only through the pipeline emanating from the overhead tanks/reservoir.

3. No further directions are necessary in the Writ Petition. The Writ Petition is accordingly disposed of. All the interim orders passed earlier shall merge into this order.

D. G. KARNIK, J.

F. M. REIS, J.

at*

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 1 OF 2010

SHRI SOTER D'SOUZA AND ANR., ... Petitioners
Versus
STATE OF GOA AND ANR., ... Respondents

Mrs. Norma Alvares, Amicus Curiae.
Mr. M. Salkar, Additional Government Advocate for the Respondents.

Coram:- A. S. OKA &
F. M. REIS, JJ.

Date:- 18th August, 2010

P.C:

We have heard the learned Amicus Curiae appointed to espouse the cause of the petitioner and the learned Additional Government Advocate.

2. The learned Additional Government Advocate stated that an endeavor will be made to publish fortnightly schedule of timings of water supply by displaying boards near the reservoirs.

We accept the statement.

3. There are various issues which are arising relating to proper water supply, not only in the areas to which reference has been made in the orders passed by this Court, but generally in the entire State and especially in the towns/cities. Various provisions will have to made such as incorporating the requirement of having underground and/or overhead water tanks in the newly constructed buildings. Provisions will also have to be made for Rain Water Harvesting. In fact in some of the towns in other States,the Rain Water Harvesting has been

made mandatory.

4. The learned Government Advocate pointed out that the draft of the Goa Land Development and Building Construction Regulations, 2008 is under process of finalization and the Government is likely to finalize the same in near future. He states that the State is in the process of considering the objections and suggestions. The learned Amicus Curiae submitted that she will submit her detailed suggestions in regard to all the aspects so that the State Government can consider the suggestions before the regulations are finalized. The learned Amicus Curiae will submit her suggestions within a period of three weeks from today. The State Government will consider the said suggestions while finalising the regulations.

5. The Petition will be placed on board on 27th September, 2010. The State Government will file an affidavit setting out the progress made in the matter of finalization of the draft regulations. The State Government will also report the compliance of various directions issued by this Court. An Affidavit to that effect shall be filed on or before 27th September,2010. The learned Amicus Curiae pointed out that the directions issued by this Court vide order dated 3rd June, 2010 have not been fully complied. The learned Government Advocate has stated that substantial compliance has been made. However, this aspect will be gone into on the next date.

A. S. OKA, J.

F. M. REIS, J.

ap/-

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 1 OF 2010

SHRI SOTER D'SOUZA AND ANR., ... Petitioners
Versus
STATE OF GOA AND ANR., ... Respondents

Shri M. Salkar, Additional Government Advocate for Respondent Nos.1 and 2.

Coram:- N. A. BRITTO, J.

Date:- 3rd June, 2010

P.C.:-

Heard.

2. This Court after taking cognizance of the protests of the residents of Porvorim, as reported on Times of India, Navhind Times, etc. that the residents were not supplied with water for 5/6 days, listed this writ petition, for further directions yesterday, and thereafter today. Notice was issued to the Petitioner; it appears that he has not been served. The issue involved is of public interest, is of utmost importance and gravity, and as it involves supply of water, a basic commodity, it brooks no delay.

3. Shri M. Salkar, learned Additional Government Advocate is present along with the Executive Engineer, Works Division XVII and the Principal Chief Engineer, P.W.D.

4. Shri Salkar submits that there was no water supply for two days only. I am not inclined to accept the statement. Harshat Kamat, Shrada Rao, quoted by Times of India dated 21-5-2010 would not have made false statements. Times of India dated 1-6-2010 has a reader from Socorro complaining that they have received water after six days and that too just for one hour and at low pressure. She asks whether water at Socorro will flow daily? And this has happened

after the claim of the Government that 50 MLD water treatment plant has been partly commissioned - whatever it means. That is again contrary to the undertaking given by the P. C. Engineer.

5. On account of inadequate and irregular water supply the Government was pleased to transfer about 35 employees. On behalf of the Principal Chief Engineer, a statement is made that out of the said 35 employees, 8 have already been relieved and the remaining will be relieved within two months. It is submitted that all were not relieved at the same time so as not to affect the smooth working of the Department. The statement is accepted.

6. The water woes of the residents of Porvorim appear to be perenial and this is inspite of the undertaking given by the Principal Chief Engineer that water would be supplied one hour per day, under normal circumstances. When it was pointed out by the Petitioner by documentary evidence that the water was not supplied inspite of the undertaking, the Chief Principal Engineer in his affidavit dated 21-4-2010 has stated that he has noted with concern the non supply of water to certain areas and he has sought a detailed report about the same. Nothing has happened thereafter. People do not want sympathy, but water. Perusal of material on record, suggests that the Principal Chief Engineer has breached the Order of this Court dated 28-1-2010, (a) by not displaying the timing as required by the Order, (b) by not conducting the inquiry as directed and (c) by not supplying water for one hour per day. He is directed to show cause as to why appropriate action should not be taken against him.

7. Even if enough water is available at the source at Assonora, it is seen that sufficient water does not reach the tail end particularly Porvorim and Socorro, as highlighted by the Media and recorded by this Court in its Order dated 26th May, 2010.

8. At the source also there are problems. The Principal Chief Engineer submits that at times sufficient flow of water is not available at Assonora from Tillari Canal to be made available for

treatment at the plant at Assonora. Then there are problems of power supply. The Times of India, quoting the Executive Engineer, Works Division XVII says that electricity must be made available at four places at a given time. A power cut at even one stage is enough to disrupt the system.

9. The Principal Chief Engineer is on oath to state that the Government will re-examine the technical and financial feasibility of using generators to overcome the problems of power interruption at Assonora treatment plant, which means that at present sufficient water cannot be assured at the tail end; and then there is the problem of distribution and ever increasing demand, besides allegations of corruption as reported on Herald dated 21-5-2010. One only hopes that they are not true.

10. Shri Salkar, learned Additional Government Advocate, upon instructions, from the Principal Chief Engineer who is present along with the said Executive Engineer submits that the water is supplied from Assonora and it is first collected at the sump near O Coqueiro, and from there to the sump near the PDA Colony and from there to the sump at Pundalik Nagar and then to the sump near JMJ Hospital which sump supplies water to Socorro. It appears that some of the projects which are claimed to get direct supply, are released water from the sump/reservoir located at O Coqueiro, before water is made available to other sumps/reservoirs/areas. However, this cannot be verified in the absence of the Petitioner or the inquiry report.

11. The Times of India, quoting the Executive Engineer has this to say:

> "Porvorim is probably the worst sufferer. Not only it is at the tail end of the supply system, new constructions are mushrooming here at breakneck speed, said PWD sources. "Take a single project with

200 residential flats, for instance. The government has no proposal to stop new water connections to new buildings till the supply is augmented. While the department itself releases new connections for single dwellings, new connections to more then one flat are sent for the minister's approval".

12. Even at Porvorim, there can be inequitable water supply, in case it is not managed properly. The ideal situation would be in case whatever, direct supply(through dedicated pipeline) comes from Assonora was first supplied to all the four tanks/reservoirs simultaneously and then distributed. That does not happen.

13. In the circumstances, therefore, in order to have equitable water distribution at Porvorim and Socorro the following order is made:

(i) The Executive Engineer shall keep a daily record of water received at each of the said sumps at Porvorim, namely at O Coqueiro, at PDA Colony, at Pundalik Nagar and at JMJ Hospital and the other two to be commissioned hereinafter. This will give a fair idea of how much water, on daily basis is received from the source at the tail end. The Executive Engineer who is present assures the Court that he will ensure that whatever water is received will be equitably distributed as far as possible.

(ii) A separate record shall be made and kept for perusal of the public of how much water is received on daily basis at each of the said four sumps/reservoirs.

(iii) Until it is fairly known over a period of time how much water can be made available at the tail end, the Executive Engineer shall ensure that connections to more than ten dwelling units are not given without the permission of the Court.

The Executive Engineer to file a report of water received at all the sumps/reservoirs meant for supply to Porvorim and Socorro areas, on the next date.

If the problem persists even after eight weeks, there will be no option left to the Court, but to grant prayer (F) of the petition.

Stand over for eight weeks i.e. 26th July, 2010.

N. A. BRITTO, J.

RD.

IN THE HIGH COURT OF BOMBAY AT GOA

SUO MOTU WRIT PETITION NO. 1 OF 2005

Versus
STATE OF GOA THROUGH ITS CHIEF SECRETARY AND ANR., ... Respondents

Mrs. Norma Alvares, Amicus Curiae
Mr. S. S. Kantak, Advocate General with Mr. M. Salkar, Additional Government Advocate for the respondent/State.
Mr. A. N. S. Nadkarni, Senior Advocate with Mr. D. Lawande, Advocate for the respondent No.3.

Coram:- A. S. OKA &
F. M. REIS, JJ.

Date:- 21st June, 2010

P.C.

The letter dated 7th April, 2010 referred to in our earlier order dated 7th June, 2010 will have to be considered along with PILWP No.1/2010, which is scheduled to come up on 26th July, 2010. Hence, no further orders are required in this disposed of writ petition.

A. S. OKA, J.

F. M. REIS, J.

SMA

IN THE HIGH COURT OF BOMBAY AT GOA

SUO MOTU WRIT PETITION NO. 1 OF 2005

Versus
STATE OF GOA THROUGH ITS CHIEF SECRETARY AND ANR., ... Respondents

Mr. S. S. Kantak, Advocate General with Mr. M. Salkar, Addl. Govt. Advocate for respondents No.1 and 2.
Mr. A. N. S. Nadkarni, Senior Advocate with Mr. J. Godinho, Advocate for respondent No.3.

Coram:- A. S. OKA &
F. M. REIS, JJ.

Date:- 7th June, 2010

P.C.

Our attention is invited to the letter dated 7.4.2010, addressed to one of the Judges of this Court by certain citizens. The Registry is directed to supply copies of the said letter to the Advocates appearing for the parties. The learned Advocate General will look into the grievances made in the said letter and will make appropriate statement before this Court on the next date. S.O. tili 21st June, 2010.

A. S. OKA, J.

F. M. REIS, J.

ssm.

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO.1/2010

Shri Soter D'Souza and others. ..... Petitioners.
V/s.
State of Goa
and others. ..... Respondents.

Mr. S. S. Kantak, Advocate General with Mr. P. Talaulikar, Addl. Govt. Advocate for the respondents.

CORAM :- N.A. BRITTO, J.

Date :- 26th May, 2010

P.C. :-

The summer is here. The rains are nowhere in sight. Supply of water to large sections of population still plays truant. In some places water is supplied after 5/6 days. This has been again highlighted by the media, particularly by the Times of India, the Navhind Times and the Gomantak Times, in their editions dated 21.5.2010. Indeed in some localities water was supplied after five days on 14.05.2010 and again after another 5 days on 23.05.2010. Reports also indicate that some persons have been compelled to leave their residences for want of water.

2. After the Orders dated 7.12.09 and 28.1.2010 of the Division Bench of this Court, the issue of inadequate and inequitable distribution of

water at Porvorim was again taken up in the Legislative Assembly in March/April, 2010 and the Govt. being stung by the criticism and gravity of the situation, transferred about 22 employees as persons responsible for creating artificial water shortage in order to enable them to make money. The media has also reported that some of the officers continue to be at the same places despite the transfer orders. May be the Principal Chief Engineer of P.W.D. or the proceedings of the Assembly can throw more light on this.

And all this is happening insptie of the undertaking given to this Court by none other than the Principal Chief Engineer that water would be supplied atleast one hour per day. We must not forget that water is life. Right to water is a right to life, a fundamental right guaranteed by Article 21 of the Constitution.

List this Writ Petition for further directions, if any, on 2nd June, 2010. Shri Kantak, the learned Advocate General assures the Court that a responsible officer of the P.W.D. shall remain present.

Notice to Petitioner No.1, Shri S. D'Souza, without payment of process fees, as the issue involved is of public interest.

S.O. 2/6/2010.

N.A. BRITTO, J.

ssm.

CONFIDENTIAL
IMPORTANT

No.26-05-PCE-PWD-EO/2010-11/
Government of Goa,
Office of the Principal Chief Engineer,
Public Works Department,
Altinho, Panaji-Goa.
Date: 20/04/2010.

M E M O R A N D U M

In PIL Writ Petition No.1/2010, affidavit was filed by the undersigned in the High Court on 15/02/2010 giving an undertaking that *"water supply to Porvorim and Calangute, under normal circumstances, shall be made for at least one hour per day and that the timings of such water supply have been notified in the newspaper and in the offices of the village panchayats within the limits of Porvorim and Calangute areas".*

However, it is from the Affidavit in Rejoinder filed by Shri Soter D'Souza on 7/4/2010 that at number of zones in Porvorim area, water is not supplied daily on regular basis and even in some places water supply is not made available for continuous 3 days, etc. without any specific reason.

This is a very serious matter, as the non-supply of water causes great hardships to the public. Considering the affidavit filed in the High Court, it is hereby directed to look into the matter and monitor personally to see that water supply is as per the affidavit filed in the High Court. For this purpose, area wise Nodal Officer shall be appointed and reports in standard format shall be generated, which shall be monitored by the Executive Engineer on daily basis and area wise non supply, if any, shall be brought to the notice of the Superintending Engineer who in turn shall satisfy himself with the actual position and authenticity of justifications and shall direct necessary corrective measures as required. Chief Engineer-I shall review the matter weekly at his level and initiate disciplinary action against the erring officers under intimation to the undersigned..

(A.M. Wachasundar)
Principal Chief Engineer,
P.W.D.

To,
1. The Chief Engineer-I, PWD, Altinho, Panaji-Goa.
2. The Suptdg. Engineer, C.O.V, PWD, Altinho, Panaji-Goa.
3. The Executive Engineer, W.D.XVII(PHE), PWD, Porvorim.

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 1 OF 2010

SHRI SOTER D'SOUZA AND ANR., ... Petitioners
Versus
STATE OF GOA AND ANR., ... Respondents

Ms. Norma Alvares, Advocate for the Petitioners.
Shri S. S. kantak, Advocate General with Shri M. Salkar, Additional Government Advocate for the State.
Shri A. N. S. Nadkarni, Senior Advocate with Shri J. Godinho, Advocate for Respondent No.3.

Coram:- NARESH H. PATIL &
N. A. BRITTO, JJ.

Date:- 2nd March, 2010

P.C.:-

Learned Advocate General has filed affidavit-in-reply of Shri A. M. Wachasundar, Principal Chief Engineer, P.W.D. in PILWP No.1 of 2010, copy of the same is served on Ms. Norma Alvares.

Stand over for two weeks i.e. 15-3-2010.

NARESH H. PATIL, J.

N. A. BRITTO, J.

RD.

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 1 OF 2010

SHRI SOTER D'SOUZA AND ANR., ... Petitioners
Versus
STATE OF GOA AND ANR., ... Respondents

Petitioner No.1 in person.
Mr. S.S. Kantak, Advocate General with Mr. M. Salkar, Additional Government Advocate for the Respondents.

Coram:- NARESH H. PATIL &
N. A. BRITTO, JJ.

Date:- 15th February, 2010

P.C.:

The learned Advocate General seeks time to file affidavit in reply.

2. S.O. 2/03/2010.

NARESH H. PATIL, J.

N. A. BRITTO, J.

NH

IN THE HIGH COURT OF BOMBAY AT GOA

SUO MOTU WRIT PETITION NO.1 OF 2005

VERSUS
STATE OF GOA
THROUGH ITS CHIEF SECRETARY
AND ANR. ... RESPONDENTS

Advocate Ms. Norma Alvares, Amicus Curiae.
Mr. S.S. Kantak, Advocate General with M. Salkar, Addl. Government Advocate for Respondent no.1 and 2.
Mr. J.A. Lobo, Advocate for Respondent no.4.
Mr. A.N.S.Nadkarni, Senior Advocate with Mr. J. Godhinho, Advocate for Respondent no.3.

Coram: N.A. Britto, J
U.D. Salvi, J
Date: 28th January, 2010.

P.C.:

Heard.

2. Shri Kantak, learned Advocate General submits that the guidelines for siting of industries on river banks submitted by the Goa State Pollution Control Board have been accepted in principle by the Government, but the said guidelines are sought to be incorporated in the Regional Plan which is awaiting final approval of the Government.

3. Learned Advocate General submits that the said guidelines are being followed for permitting new industries on river banks. Learned Advocate General further submits that as far as expansion, modification and diversification of the existing

insisting upon Environmental clearance/EIA wherever required.

4. Ms. Norma Alvares, Amicus curiae, submits that the Government ought to follow the siting guidelines, in case they have been accepted by the Government, in case of the existing industries, also, whenever they seek for expansion, modification or diversification. In case the siting guidelines have been accepted by the Government, we see no reason why the Government should not follow them even in case of expansion, modification or diversification of existing industries.

5. To this the learned Advocate General seeks time to take instructions and make statement before this Court on the next date.

6. The Principal Chief Engineer has also filed Affidavit. The same be taken on record. The Affidavit discloses as to which of the projects taken up by the Government could not be completed, and, those which have been completed, projects for which time schedule was given earlier and could not be adhered to.

7. In compliance with our order dated 7.12.2009, the Principal Chief Engineer has filed his affidavit. In the said affidavit he has stated that the project of water augmentation by 50 MLD which was to be completed in the year 2008 will now be completed by July 2010. As regards the expert agency which was to be appointed to suggest remedial measures as per his earlier affidavit, did not take off at all. As regards [illegible]

silent on the reported decision to purchase two generators to tide over electricity problem. In fact, it should be the endeavour of the Principal Chief Engineer to ensure that the reservoirs/overhead tanks lying furthest from Assnora should be filled first, and the closest, last. This to some extent will solve the problem arising from power failure.

8. Learned Amicus curiae Ms. Norma Alvares submits that the Government should make some arrangements for backup of electricity failure at the supply point i.e. at Assnora, so that in case there is failure of electricity, the pumps can be operated by generators. To that Shri Kantak submits that such a proposal has been examined by the Officers concerned and they have found it that is not feasible. Learned Advocate General submits that an affidavit to that effect will be filed.

9. After an order dated 7.12.2009, the issue of inadequate water supply was raised in the Legislative Assembly on 15.12.2009 and it is reported on Herald dated 17.12.2009 that the reason given for water shortage in Bardez Taluka is mainly "increase in demand, insufficient raw water and electric power failure". The same newspaper shows that demand to stop issuance of licenses was made, but was not accepted. At our request, the Learned Advocate General has produced a copy of the reply given in the House and it inter alia shows that Porvorim, as against the requirement of 16.08 MLD gets only 14.30 MLD and Calangute as against the requirement of 4.80 MLD gets 4.[illegible] MLD

10 Learned Advocate General [illegible] that Calangute [illegible]

Porvorim towns are at the tail end and that is the reason why they experience difficulty in receiving regular water supply. Upon instructions from the concerned officers who are present the Learned Advocate General makes a statement that in those two areas, water will be regularly supplied at least for one hour per day by displaying the timings prominently at the concerned water reservoirs/overhead tanks, in normal circumstances.

11. We accept the statement and direct that the water be supplied at good pressure and one hour should be reckoned from the time the consumers get the water supply at the tail end from the reservoir concerned.

12. The learned Advocate General assures the Court that timings will be notified at the reservoir, so that the people of each locality know as to when they can get water supply. We accept the statement from the Learned Advocate General, as well, and direct the Principal Chief Engineer to file an undertaking to that effect. We only hope that this arrangement is not at the cost of consumers of other Talukas.

13. After our order dated 7.12.2009, some residents of Porvorim Plateau by their petition dated 14.12.2009 have raised serious issues. A copy of the said petition, which is on file be given by the Registry to the learned Amicus Curiae as well as to the learned Advocate General. The said petition shall be registered as P.I.L. and notice given to the Petitioner no.1 to appear on the next date.

14. From the said petition it appears that some people are more equal than others in getting water supply in Porvorim area.

as many of them are directly supplied water from the main pipeline and not from the overhead tanks. In such a situation those who get supply from overhead tanks are bound to suffer.

15. We therefore direct the Chief Principal Engineer to conduct an inquiry and disclose to this Court as to how many such connections have been given over the years and name of the projects they serve. The Chief Principal Engineer is also directed to show cause as to why the prayers made in the said petition should not be granted by this Court.

16. Learned Senior Counsel states that Shri Soter D'Souza is present in Court. He accepts notice.

17. Our orders dated 7.12.2009 as well as this order be also placed in the said petition of Shri Soter D'Sousa. The said petition to come for hearing after three weeks i.e. 15.2.2010. This petition could also be heard on the same date.

N. A. Britto, J

U. D. Salvi, J

Ap/-

IN THE HIGH COURT OF BOMBAY AT GOA

SUO MOTU WRIT PETITION NO. 1 OF 2005

Versus
STATE OF GOA THROUGH ITS CHIEF SECRETARY AND ANR., ... Respondents

Advocate Ms. Norma Alvares, Amicus Curiae.
Mr. S. S. Kantak, Advocate General with Ms. Sapna Mordekar, Addl. Govt. Advocate for the State.
Mr. A. N. S. Nadkarni, Senior Advocate with Mr. J. Godinho, Advocate for respondent No.3.
Mr. J. A. Lobo, Advocate for respondent No.4.

Coram:- SMT. V.K.TAHILRAMANI & N. A. BRITTO, JJ.

Date:- 7th December, 2009

P.C.

This writ petition was initiated pursuant to Order dated 5.4.2005 and the Government responded to the petition by filing affidavits from time to time. This Court also passed a number of orders. Presently, the petition is awaiting only for a report from the Government regarding policy of siting of industries on river banks. For that purpose, learned Advocate General seeks some more time. We are inclined to grant the same.

2. By affidavit dated 26.1.06, this Court was informed that the grievance of the public regarding their need for water supply was addressed in an efficient way (at page 50). By another affidavit dated 8.1.07, this Court was informed that the capacity of Assonora Plant would be augmented by 50 MLD in the year 2008. We are now at the end of year 2009. This Court was again informed by an affidavit dated 2.2.07 that an expert was appointed to suggest

remedial measures to work out a distribution system for Bardez Taluka (at page 182). One does not know as to what has happened to the said remedial measures and Bardez Taluka appears to have remained a problem area.

3. With all the above assurances, no such action at ground level appears to have been taken, as a result, people of Bardez Taluka, particularly Mapusa city and Porvorim town continue to suffer.

4. A report on Herald dated 19.10.09 shows that the residents of Porvorim had no water to take bath on the day of Diwali! The report further indicates, quoting an MLA, that frequent power disruptions at Padosem and Assonora water treatment plants have become a regular feature, which means that there is irregular water supply to the Taluka. Another report of yesterday's Times of India, quoting an Ex-Minister, says that water supply to Porvorim is "most horrible" and despite agitations, people of Porvorim do not get water even for two hours a day and although there is construction boom, there is no water supply in some areas. There are also reports to say that the people in Porvorim do not even get water for 2 or 3 days. There must be some truth in the reports.

5. We are, therefore, inclined to reexamine the issue of inadequate water supply to Bardez Taluka, particularly city of Mapusa and Porvorim town, the latter being at the tail end of water supply and direct the Principal Chief Engineer, P.W.D. to file an affidavit disclosing the steps taken to ensure adequate water supply to the residents of Bardez Taluka in general and city of Mapusa and Porvorim town, in particular. After all, right to have clean, potable water falls within the ambit of the right to live under Article 21 of the Constitution. The Principal Chief Engineer to respond to the first

(2) news paper report and also disclose on affidavit why he should not impose a moratorium on releasing water connections for constructions and for commercial housing projects, until some concrete measures are taken for adequate supply to the residents on daily basis. Let such affidavit, with all details as to how much water (3) is required by the Taluka as a whole, how much is available for supply,and how much is actually supplied, etc., be filed by the Principal Chief Engineer before the next date. Stand over to 14th December, 2009.

SMT. V.K.TAHILRAMANI, J.

N. A. BRITTO, J.

ssm.

IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI GOA

PIL Writ Petition no.1/2010

1. Shri Soter D' Souza ,
   House no.984/4, porvorim, Bardez Goa
   403 501
   contact mobile 980056616
2. Eurico Mascarenhas .. Petitioner

Versus

1State of Goa through chief Secretary
2.Chief Principal Engineer ,
Altinho .. Respondent

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RESPECTFULLY SUBMITTED BEFORE
HONOURABLE SMT. JUSTICE V.K. TAHILRAMANI

Your Ladyship,

The enclosed letter is sent to Your Ladyship by one Sotor D'Souza and others who are residents of Porvorim.

They have complained about water problem faced by the residents. Sometimes they do not receive water for even 4 days at a stretch since the last 3 months. They have put several protests before the P.W.D authorities on the issue of water storage in Porvorim since 1990. Earlier the situation was limited to the summer season, but now the problems prevails throughout the year. They have prayed for certain reliefs in the matter.

They further contend that a petition on the subject of water crises in Porvorim is pending before the Hon'ble High Court being Suo Moto w.p. no.1/2005.

I am to respectfully submit that since the issue concerns regarding one of the basic necessities of life and that the residents have been running from pillar to post for redressal of their problem, but have not succeeded and since the subject is sub judice before the Hon'ble High Court,

A) I may be directed to place this letter in the aforesaid s.m.w.p; OR

B) any other suitable direction may please be given.

Date: 16.12.2009.

(V. V. Borikar) 16/12/09
Registrar

Ap

Per J. Tahilramani

Put up ...

From:
Shri Soter D'Souza & Others
House No. 984/4, Porvorim,
Bardez, Goa 403 501
Contact mobile: 9890056616

Date: 14th December 2009

To:
The Honorable Justices,
High Court of Bombay at Panaji,
Altinho, Panaji,
Goa.

Subject: Petition on water crisis in Porvorim and surrounding areas.

Your Honors,

We are grateful to the Hon'ble High Court of Bombay at Panaji for suo motu taking up the issue of water crisis in Porvorim and surrounding areas as reported in a section of the press. As residents of Porvorim we are repeatedly subjected to traumatic experiences as we on several occasions do not receive water supply for even 4 days at a stretch since the last 3 months. We humbly place before Your Lordships the situation and events leading to frequent mental and physical torture of us residents by the Public Works Department by denying water supply to Porvorim. Earlier the situation was limited to the summer season (months of March to May) but is now prevalent throughout the year even during the monsoons.

1. Some of us have been in the forefront of repeated protests before the P.W.D. authorities on the issue of water shortage in Porvorim since

1990. Then, we used to be repeatedly told to have patience and were assured by the Executive Engineer XVII at Porvorim that the water situation would improve once the new treatment plant at Assonora was commissioned. However, after exposing the mischief of a foreman from the P.W.D and the Assistant Engineer posted at the Water Tank at Porvorim Gulliakodde leading to their subsequent transfer, there was a slight improvement in the water situation for at least the next four years. The foreman would tear off the page of the complaint book everyday and show that there were no complaints. He would give special connections to some houses by manipulating the placement of the nozzle fixed to the supply line or would interconnect the local water distribution lines at his own whim and fancies to benefit certain persons. Thereafter, the new water treatment plant was commissioned at Assonora in mid-nineties.

2. Since 1997, as housing complexes began to be constructed, the water crisis slowly began to surface even during the winter season. Citizens would be supplied water every alternate day from as early as the month of december of every year. After some agitations and fears of the situation getting out of control there would be regular water supplied for a few days. However, the situation recurred again and again and the people had to get on the streets to get some relief. The excuse then given was that the main pipeline branching off at Mapusa was manipulated by the Engineer at Mapusa to supply Mapusa and Calangute, thereby resulting in no sufficient water getting supplied to Porvorim which is at the tail end of the supply chain from Assonora.

3. In the year 2001, through the efforts of the then MLA, Mr. Ulhas Asnodkar and the Chief Minister Mr. Manohar Parrikar, a dedicated

pipeline was installed on top priority from Assonora to Porvorim along the bypass NH17 and was commissioned by 2002. A new reservoir was constructed at Assonora to augment the storage capacity of treated water. A 300 cu.m underground reservoir was constructed near JMJ hospital at Porvorim to act as a backup in case of interruption due to technical problems in the mainline. Another underground reservoir was constructed in P.D.A colony. For some time the water situation improved considerably until 2005 when the new water mainline to Porvorim began to be tapped and diverted to other areas from Mapusa. Supply to Porvorim began to be limited to just 10 hours a day. There was a massive agitation by the people of Porvorim and the Executive Engineer and Assistant Engineer of P.W.D were transferred. The situation improved considerably with daily water supply until 2008.

4. Thereafter, problems of water supply resurfaced in 2008 when water supply from the old supply pipeline which was also supplying some water to Porvorim was shut down at Guirim and diverted to other villages. One ground level reservoir near JMJ Hospital is now lying idle for the last one year as there is no water supplied from the old main pipe-line. The entire supply for Porvorim from Vodakode to Vaddem in Socorro now receives water supply only if the underground reservoir is filled. The water has to then be pumped to the overhead reservoir and only then can the residents be supplied. It is a 'hand to mouth' situation again. So what was meant as a backup is now utilised everyday because the P.W.D has indiscriminately released water connections to huge residential and commercial complexes like Devashri Gardens of more than 500 flats, Prabhu Residency of with around 500 flats and several housing complexes with upto 200 flats or

Special direct pipeline

more. Special pipelines have been connected from the local distribution lines to ensure their guaranteed water supply. Several food outlets and lodgings have been permitted to be set up all along the NH17 thereby depriving the long residing families of their daily water supply. Citizens are exposed to exploitation by the water mafia which includes even some staff of P.W.D who are owning water tankers in their relatives names.

5. The crisis has been further worsened as houses having traditional wells are subjected to total dependence on the public water distribution system as the P.W.D. Water Resources Department has granted permissions for sinking of innumerable bore wells to several massive housing complexes in Porvorim which has resulted in some traditional wells drying up in summer or others being polluted at source due to sewerage.

6. We have been facing serious water supply problems throughout the monsoons under one pretext or the other. Lame excuses of low voltage, water turbidity, pump failure or burst pipelines are given every week. Inspite of the serious water crisis the P.W. D. released new water connection on 29/10/2009 to Sapna Habitat along CHOGM road consisting of over 200 flats. This is in contravention of a circular No. PWD/DXVII (PHE-N)/ADM/F.41/08-09/3973 dated 25/11/2008 issued by the Executive Engineer WD. XVII (PHE-N), P.W.D.. An Assistant Engineer of the P.W.D. was transferred in October 2009 for refusing to release the new water connection to this housing cum commercial complex based on the above mentioned circular. On inquiry the P.W.D. officials claim that they are helpless as the Chief

Minister has directed the release of the water connection. The builders are believed to be related to the Chief Minister.

7. Now since November 2009 we have not been receiving water supply for three to four days at a stretch and every time we inquire the P.W. D officials give excuses about some technical problem at Assonora or at Podoxem. What is even worse is that the P.W.D. officials have given a direct connection from the main supply line on 10/12/2009 to Green Hill Colony at Porvorim to benefit certain influential persons. We have been informed by P.W.D. staff that such direct connections to the mainline exist at several places over the years. There are no diagrams with the P.W.D. on the water supply network of Porvorim thereby making it easy for such mischief which cannot be detected as it is underground. As a result certain areas are enjoying water supply 24 hours a day.

Direct connection

8. The P.W.D. Assistant Engineer does not check the complaint register and keeps his mobile switched off whenever there is a problem. The office of the P.W.D. is closed on Saturdays and Sundays and the staff at the water tanks claim to be helpless. In utter despair we had to phone the P.W.D. Minister on Sunday 13/12/2009 at 7 p.m. to complain about no water supply for fourth day as the P.W.D. Assistant Engineer switched off his mobile. We had no water for drinking and cooking our food and had to purchase bottled water last weekend.

9 It is learnt that Suo Moto No 1/05 dt. i.e. Subject Matter pending before the High Court

We humbly petition Your Honors to consider our grievances and direct the Government of Goa to take the following appropriate measures;

A. Water supply to residents everyday for at least one hour in all seasons.

B. To disconnect all local water distribution pipelines connected directly to the main supply line from Assonora and supply of water be distributed only through the P.W.D. reservoirs at Porvorim.

C. A ban on issue of construction permissions till infrastructure is in place.

D. Ban on sinking of private bore wells.

E. To make available to the public, maps showing the layout of water distribution networks in Porvorim which also specify the dimensions of the pipes laid.

F. Appoint a Citizens Committee to monitor the water supply situation in Porvorim and surrounding areas.

Yours Respectfully,

Soter F. D'Souza

Lurco Mascarenhas

IN THE HIGH COURT OF BOMBAY AT GOA

PIL Writ Petition No. 1/2010

Shri Soter D'souza and Ors. ... Petitioners

V/s

The State of Goa and Ors. ..... Respondents

AFFIDAVIT

I, Shri A. M. Wachasundar, major of age, Indian National, Principal Chief Engineer, Public Works Department (PWD), having office at Altinho, Goa, do hereby on solemn affirmation state and submit as under:-

1. A letter dated 14/12/2009 from one Shri Soter D'souza and others has been treated by this Hon'ble Court as Public Interest Litigation (PIL).

2. It is respectfully submitted that the issue raised in the said letter are already being considering in SMWP 1/2005. The letter makes a grievance about inadequate/irregular water supply in Porvorim area.

HIGH COURT OF BOMBAY AT GOA PANAJI

3. In SMWP No. 1/2005 this issue was already considered and in fact by Order dated 06/07/2009, it was recorded that the only issue that remains to be considered in the said Suo Moto Writ Petition no. 1 / 2005 was as regards guidelines/policy in relation to siting of water polluting industries on river banks.

Thereafter by Order dated 07/12/2009, this Hon'ble Court ordered that the issue of inadequate water supply to a Bardez Taluka more particularly city of Mapusa and Porvorim in required to be re-examined and directed the Principal Chief Engineer (PWD) to file affidavit to disclose the steps taken to ensure adequate water supply to the residents of Bardez Taluka in general and city of Mapusa and Porvorim town in particular. The Principal Chief Engineer was also directed to disclose on affidavit why he should not impose a moratorium on release of water connection for constructions and for commercial housing projects until some concrete measures are taken for adequate water supply to the residents on daily basis. A copy of the Order is annexed as **Exhibit R-1**.

5. In compliance of the said Order dated 07/12/2009 I have filed an affidavit dated 15/12/2009 disclosing steps taken to supply adequate water to the above areas. I have given details about the availability of water and the requirement of the said areas. I have stated that a 50 MLD water treatment is being constructed at Assnora and will be commissioned by June 2010 and once commissioned the above areas will have adequate water supply.

6. I say that I have filed a further affidavit on 15/2/2010 undertaking that the water supply to the area of Porvorim under normal circumstance shall be made for atleast one hour per day and that the timing of such water supply has been notified in newspaper and in the offices of Village Panchayat

within whose limits the areas of Porvorim are situated. Copies of the both affidavits are annexed as **Exhibit R-2 Colly**.

7. In the letter petition, prayer 'A' and 'C' are as follows;

A) Water supply to residents everyday for at least one Hour in all seasons.

C) A ban on issue of construction permissions till infrastructure is in place;

As submitted above, these issues are already basis considered in SMWP 1/2005.

8. I say that the distribution network from the Assnora pipeline is normally in the following manner;

(a) To ground water reservoirs from where the distribution pipelines originates.

(b) To ground water reservoir from where it is pumped to an overhead reservoir and then distributed through a distribution network.

(c) Directly to overhead reservoir from where it is distributed through a distribution network.

(d) Distribution network itself starts from Assnora Pipeline. This is normally distributed when it is technically feasible.

As far as Porvorim is concerned the first reservoir at O'couqero was constructed about 20 years earlier. Prior to that the water was distributed through a distribution network from Assnora water pipeline. Normally , after construction of reservoir all new

release of water connections were supplied water through the reservoirs. Even earlier connections, have been re-routed through the reservoir whenever technically found to be feasible.

Subsequently, more reservoirs have been constructed and the same procedure, as above, is being followed;

9. As regards prayer 'D', I am advised to state that issue of sinking of Borewells is regulated by the Goa Groundwater Regulation Act, 2002 and competent authority is required to consider the same.

10. I say that, the Department has maps showing the layouts of main water pipelines showing branches from the Assnora pipeline to the reservoirs. The Department has not maintained any maps showing details of the distribution network to individual units / other units. The Petitioner can approach the Department for obtaining copies of the available plans.

11. I say that whatever is stated above is true to my knowledge being based on records available in the office of this Respondent.

DEPONENT

Solemnly affirmed at Panaji
On this 02nd day of March, 2010

Identified by: -

for (Adv. Manish Salkar)

BOMBAY AT GOA
AJI

Solemnly affirmed before me by Mr. A-M. Warkeswadar who is identified before me by Adv. Mr. M- Salkar whom I personally know.

Dated this 2nd day of March 2010.

Section Officer
High Court of Bombay at Goa
Panaji (Goa)

IN THE HIGH COURT OF BOMBAY AT GOA

SUO MOTU WRIT PETITION NO. 1 OF 2005

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND ANR., ... Respondents

Advocate Ms. Norma Alvares, Amicus Curiae.
Mr. S. S. Kantak, Advocate General with Ms. Sapna Mordekar, Addl. Govt. Advocate for the State.
Mr. A. N. S. Nadkarni, Senior Advocate with Mr. J. Godinho, Advocate for respondent No.3.
Mr. J. A. Lobo, Advocate for respondent No.4.

Coram:- SMT. V.K.TAHILRAMANI & N. A. BRITTO. JJ.

Date:- 7th December, 2009

P.C.

This writ petition was initiated pursuant to Order dated 5.4.2005 and the Government responded to the petition by filing affidavits from time to time. This Court also passed a number of orders. Presently, the petition is awaiting only for a report from the Government regarding policy of siting of industries on river banks. For that purpose, learned Advocate General seeks some more time. We are inclined to grant the same.

2. By affidavit dated 26.1.06, this Court was informed that the grievance of the public regarding their need for water supply was addressed in an efficient way (at page 50). By another affidavit dated 8.1.07, this Court was informed that the capacity of Assonora Plant would be augmented by 50 MLD in the year 2008. We are now at the end of year 2009. This Court was again informed by an affidavit dated 2.2.07 that an expert was appointed to suggest

remedial measures to work out a distribution system for Bardez Taluka (at page 182). One does not know as to what has happened to the said remedial measures and Bardez Taluka appears to have remained a problem area.

3. With all the above assurances, no such action at ground level appears to have been taken, as a result, people of Bardez Taluka, particularly Mapusa city and Porvorim town continue to suffer.

4. A report on Herald dated 19.10.09 shows that the residents of Porvorim had no water to take bath on the day of Diwali! The report further indicates, quoting an MLA, that frequent power disruptions at Padosem and Assonora water treatment plants have become a regular feature, which means that there is irregular water supply to the Taluka. Another report of yesterday's Times of India, quoting an Ex-Minister, says that water supply to Porvorim is "most horrible" and despite agitations, people of Porvorim do not get water even for two hours a day and although there is construction boom, there is no water supply in some areas. There are also reports to say that the people in Porvorim do not even get water for 2 or 3 days. There must be some truth in the reports.

5. We are, therefore, inclined to reexamine the issue of inadequate water supply to Bardez Taluka, particularly city of Mapusa and Porvorim town, the latter being at the tail end of water supply and direct the Principal Chief Engineer, P.W.D. to file an affidavit disclosing the steps taken to ensure adequate water supply to the residents of Bardez Taluka in general and city of Mapusa and Porvorim town, in particular. After all, right to have clean, potable water falls within the ambit of the right to live under Article 21 of the Constitution. The Principal Chief Engineer to respond to the first

news paper report and also disclose on affidavit why he should not impose a moratorium on releasing water connections for constructions and for commercial housing projects, until some concrete measures are taken for adequate supply to the residents on daily basis. Let such affidavit, with all details as to how much water is required by the Taluka as a whole, how much is available for supply,and how much is actually supplied, etc., be filed by the Principal Chief Engineer before the next date. Stand over to 14th December, 2009.

SMT. V.K.TAHILRAMANI, J.

N. A. BRITTO, J.

ssm.

IN THE HIGH COURT OF BOMBAY AT PANAJI

Suo Moto Writ Petition No. 1/2005

V/S

State of Goa and ors ..... Respondents

AFFIDAVIT

I, Shri A. M. Wachasundar, major of age, Indian National, Principal Chief Engineer, Government of Goa, having office at Altinho-Panaji Goa, do hereby on solemn affirmation state and submit as under:

1. I say that vide Order dated 07/12/2009 this Hon'ble Court had directed me to file an affidavit disclosing the steps taken to ensure adequate water supply to the resident of Bardez Taluka in general and the city of Mapusa and Porvorim Town, in particular. Vide the said order I was also directed to respond to the newspaper report dated 19/10/2009 and to disclose as to why a moratorium should not be imposed on releasing water connection for constructions and for commercial housing projects, until some concrete measures are taken for adequate supply to the residence on daily basis. I say that I was also required to state as to how much water is required by the Taluka as a whole, how much is available for supply and how much is actually supplied. (1) (3) (2)

2. I say that as a step forward towards the improvement of water supply, it was proposed to have water treatment plants at various places, including Assonora. In my affidavit dated 08/01/2007 (page 172) I have stated that the work for augmentation of water treatment plant at Assonora by 50 MLD, the work is being tendered, that work order is expected to be issued by June 2007 and work is to be completed by June 2008. I say that the work order for the Assonora plant was tendered to M/s Gannon and Dunckerly on 10/08/2007. I say that the work was awarded for an estimated amount of Rs. 18.48 Crores. I say that as per the work order the work of the Assonora Plant was to completed by 19/06/2008.

3. I say that however as on date 60% of the physical work of the Assonora Plant has been completed with includes 50% of the financial progress.

4. I say that on account of the delays in the payments due to various reasons and technical/drawing approvals, there was a delay in completing the project on time and the plant is now estimated to be completed by July 2010.

5. I say that in my affidavit dated 13/2/2006 at (page 74) in para 4.1, I had given the details of the requirements of average water supply as per the Government of India norms of rural water supply are 40 LPCD (Liters per Capita per day) and for urban water supply it is between 70 to 135 LPCD depending upon th

availability of underground sewerage system and that an average of 82 LPCD is supplied to urban areas ad an average of 143 LPCD is supplied to urban areas.

In para 4.2 of the same affidavit , I have cited reasons for unequal distribution of water at various locations.

6. I say that the city of Mapusa and the areas of Porvorim fall under the category as having no sewerage system and the requirement of which is 70 LPCD.

7. I say that at present 62 MLD of water is supplied for the Bardez Taluka as against a total requirement of about 65 MLD. I say that out of the 62 MLD of water supplied, to the entire Bardez Taluka, 42 MLD is obtained from the Assonora Plant and 20 MLD is obtained from the Padocem Plant. I say that an additional quantity of 50 MLD will be procured from the New Assonora Plant after the plant is commissioned. I say that at present the water is supplied to the city of Mapusa and Porvorim for 2 to 5 hours in a day and in some areas at alternate days when there is shortage of water due to power failure or for technical reasons the water is supplies on alternate days.

Answer to (2)

8. I say that the requirement of 65 MLD for the Bardez Taluka is worked out on the basis of requirement for urban areas, i.e. at the rate of 135 LPCD. the total population of the Bardez Taluka as on 2001 is 227695, the projected population as on 2009 as per JICA report is 263845 and the floating population is

estimated to be 17678, the total population thus being 281523. I say that of this, at least about 50% of the population is comprised in rural areas where the requirement of water supply is 70 LPCD. considering this I say that as of today, the availability of water supply through the Assonora and Padocem plants meets the demand requirements.

Water is available but supply is a problem

9. I say that however there are various causes, which many a times lead to shortage of water supply at various locations. I say that if consumers who are at a more advantages position, such as, at the beginning of the distribution system or in low level areas, use water indiscriminately (for example for gardening, washing their vehicles etc) the consumers at more unfavorable locations such as at the tail end of the distribution system and at higher altitudes are deprived of a continuous water supply.

10. I say that there is deficient in the water supply as against its requirement on account of power failures/interruptions. I say that even if there is a power interruption/failure for a duration of 30 seconds, the pumps get tripped. The pumps are then required to be closed and restarted after priming. I say that this entire process consumes about 1 hour for the pump to restart and for the water to be treated and/or supplied. I say that the treated water production during this period is lost. I therefore say that even if there is a single power interruption in a day, all the pumps cease to operate for an hour or more depending upon the number of power interruption. I say that no practical

remedial measures are possible as far as the power interruption are concerned which adversely effects the quantity of the water supplies

11. I say that as regards experts to be appointed to suggest remedial measures to work out distribution system for the Bardez Taluka, it had been already been stated in para 7 of my affidavit dated 02/02/2007 that in the absence of the detailed Global Information System (GIS) maps the agency could not take off and the work did not proceed.

12. I say that 50 MLD water treatment plant is being constructed at Asnora, which is costing about Rs. 20 Crores and this project will be commissioned by June 2010. After the commissioning of these treatment plant the Bardez Taluka will have sufficient quantity of water. I say that good quality of water meters with rigid specifications to be maintained for a period of six years are procured and the divisions are directed to expedite the installation of the same.

13. I say that it is necessary to have a public awareness campaign to inform the public about the importance of conservation of water by making judicious use of the water so that the average water supplied meets the requirement of the population. I say that this exercise will be taken in right earnest.

14. I say that whatever is stated above is based on records to which I have access and which I believe to be true.

Solemnly affirmed at Panaji, Goa

On this 15th day of December, 2009 (DEPONENT)

Identified by me: -

(Adv. Sapna Mordekar)

IN THE HIGH COURT OF BOMBAY AT GOA

Suo Moto Writ Petition No. 1/2005

V/s

The State of Goa ..... Respondents

AFFIDAVIT

I, Shri A. M. Wachasundar, major of age, Indian National, Principal Chief Engineer, Public Works Department (PWD), having office at Altinho, Goa, do hereby on solemn affirmation state and submit as under:-

1. I say that vide Order dated 28th January 2010, this Hon'ble High Court had directed me to file undertaking to this Hon'ble Court in respect of water supply to the areas of Porvorim and Calangute.

2. I hereby undertake that the water supply to the areas of Porvorim and Calangute under normal circumstances shall be made for atleast one hour per day. I say that the timings of such water supply have been notified in newspapers and in the offices of the Village Panchayats within whose limits the areas of Porvorim and Calangute come.

3. I say that I was further directed to file affidavit as to why Generators cannot be used as a backup, in case of electricity failures. I say that, in the event of power interruption of even

less than a minute, all the pumping units get tripped, before the supply from the DC (Generator) is resumed. I say that due to the tripping of the pump sets, all the pumps have to be stopped and restarted by priming, etc, which process results in stoppage of pumping units for 45 minutes to 1 hour. I say that even if generators are to be used, even then, the process of tripping and restarting cannot be avoided. Moreover, the cost of water production will also increase substantially.

4. I further say that the Government will re-examine the technical and financial feasibility of using generators to overcome the problem of interruptions of power supply at Assnora Treatment Plant.

5. I say that whatever is stated above is true to my knowledge being based on records available in the office of this Respondent.

Solemnly affirmed at Panaji

On this 15th day of February, 2010 DEPONENT

Identified by: -

(Adv. Manish Salkar)

GOVERNMENT OF GOA

CITIZEN'S CHARTER

FOR

PUBLIC WATER SUPPLY AND SEWERAGE

PUBLIC WORKS DEPARTMENT,
Altinho, Panaji – Goa. - 403 001

Tele Phone : 91 –0832 – 225515 / 222607 / 226342
227162 / 226443.
Fax - 91 – 0832 - 225297

PART I

PUBLIC WATER SUPPLY

WATER SUPPLY SYSTEM IN GOA

Public Works Department ensures potable water supply to the public for domestic, commercial, industrial and institutional purposes all over Goa. It looks after maintenance and repairs of the public water supply network upto the meter box of consumers, issues No Objection Certificates in respect of water supply facilities for development of land for non agricultural purpose, provides treated water, looks after assessment, billing and collection of water supply tariff. In a nutshell, the water supply department provides and maintains total infrastructure for public water supply in Goa.

A) Supply of drinking water by releasing water supply connection and through public stand post.

You can avail facility of Water Supply for following purposes wherever technically feasible and water will be supplied at water meter point.

i. Domestic purposes
ii. Commercial purpose, if feasible
iii. Industrial purposes
iv. Institutions / establishments such as Offices, Schools etc.

How you can avail water supply connection for above purposes?

a) Apply in prescribed formats. (Annexure I & II).

b) Enclose required necessary documents indicated on backside of prescribed formats.

c) Register the duly filled application with required documents in the concerned sub. divisional office of P.W.D. of respective zone. (Annexure VI).

d) Inspection will be carried out by concerned Junior Engineer/Assistant Engineer of the sub. divisional office with necessary technical feasibility report (AnnexureIII).

e) Sub. Divisional Office will prepare the installation bill giving sufficient time for payment (Annexure IV).

f) On receipt of full payment towards installation bill, water supply connection is released.

g) Consumer is identified by specific code number give by PWD.

h). All consumers are required to make provision of a sump for storage of water and a pump to lift it to their respective overhead tank & the water pressure may not rise above ground floor level. The size of the sump should have adequate capacity.

i). The P.W.D. shall not be held responsible for any losses that any consumer might suffer as a result of interruption of water supply/ less supply of water due to power failure or breakdown of the water supply system or otherwise.

j). The consumer shall arrange to provide at their cost the pipes and specials for replacement of rusted pipeline or damaged pipelines if called upon to do so by the department.

NORMAL PERIOD OF TIME REQUIRED

	Stage	Duration
a)	Making of the application to the concerned Sub Division & processing for ascertaining technical feasibility.	4 days
b)	Carrying out site inspection and preparation of feasibility report by Engineer-in-charge.	12 days.
c)	Preparation of installation bill by Sub-Divisional Office.	4 days
d)	Payment of installation bill by consumers.	3 days
e)	Releasing of water supply connection and providing water meter.	7 days.
		30 days (excluding holidays)

Grievance Redressal Authority :

In the event, Sub. Division of water supply / Division fails to adhere to the aforesaid time frame, the applicant / public may contract the Superintending Engineer, Circle V, P.W.D., Altinho, Panaji – Goa for North Goa or Superintending Engineer, Circle VIII, P.W.D., Fatorda, Margao – Goa for South Goa.

B. Maintenance and repairs of water network upto meter box of consumers.

Sub. Division looks after maintenance of water supply pipeline up to the meter box to ensure regular water supply.

Any complaint in this regard may be lodged with the concerned sub. divisional office of PWD of the respective area.

C. Issuing No Objection Certificate in respect of water supply facilities for development of land for non agricultural purposes.

This N.O.C. is issued by the department after ascertaining.

a) The developer shall carry out the work of pipeline for new development of land/ plots after obtaining in advance the approval for design and drawings from the Executive Engineer-in-charge.

b) Adequate size of distribution network is to be provided by the developers.,

c) After receiving the application from Town Planning Office / Planning and Development Authorities / Village Panchayat N.O.C.s are issued by the divisional office after technical scrutiny within 30 days of the receipt of such request from the developer.

D) Providing treated water on hire basis.

On public demand or at request of any citizen treated water is supplied by tankers of the department subject to availability of water, as per the prevailing rate.

E. Assessment, billing and collection of water supply tariff.

Assessment of water consumption is done by departmental staff, consumers are charged as per existing tariff and the bill is issued. Terms and conditions of payment are printed at the back side of the bill (Annexure V).

Bill payment are collected at the cash counter of respective offices of Government listed at Annexure VI, and in the authorised banks notified by the department (Annexure VII).

F. Important functionaries

North Goa

A. Superintending Engineer,
Circle Office V, PWD,
Altinho, Panaji – Goa.
Phone No. 225515, 420116

a. Executive Engineer,
Works Division III (PHE-N),
PWD, St. Inez, Panaji – Goa.
Phone No. 226446 / 422178

b. Executive Engineer,
Works Division XVII (PHE-N),
PWD Porvorim.
Bardez – Goa.
Phone No. 417722.

South Goa

A. Superintending Engineer,
Circle Office VIII, PWD,
Fatorda, Margao – Goa.
Phone No. 741100 / 01 / 02 / 03.

a. Executive Engineer,
Works Division IX (PHE-S),
PWD, Fatorda, Margao – Goa.
Phone No. 721724 / 725450.

b. Executive Engineer,
Works Division XX (PHE-S),
PWD, Fatorda, Margao – Goa.
Phone No. 723028.

Enclosure : Annexure I, II, III, IV, V, VI, & VII

ANNEXURE I

To,
The Assistant Engineer,
Sub. Division ____, Works Division ___ ,
Public Works Department.
_____ Goa.

Sub : **Request for water connection**

Sir,

As I require a water connection to my house located at _____ and registered No. _____ in the Village Panchayat / Municipality, I hereby request you Sir to kindly authorise water connection necessary for the consumption of *_____.

All the expenses in this regard will be borne by me.

_____
Name and address.

Date : Signature.

The following details shall be submitted along with application : -

1. Layout of internal pipeline, indicating the points / taps for water consumption. Various accessories, number of taps, with sizes, place of meter etc. should be submitted and got approved before starting the installation work.

2. Site plan signed by the applicant showing the location of the house or premises where water connection is intended and also the tapping from water supply line proposed indicating survey number through which it has to be laid.

3. Name and number of registered plumber responsible for internal pipeline along with declaration duly signed.

4. No Objection from landlord, if the pipeline crosses his property, or the consumer is other than the landlords asking for water connection. (Note : in case of mundcars, no objection certificate from landlord is not necessary. However a certificate from Mamlatdar declaring the mundcars is required together with the sanad after land purchase.

5. N.O.C. from Panchayat / Municipality for extruding water supply.

6. Ownership document / Sale deed / Mundcar order.

7. I & XIV form.

8. Nearest consumer code No. (Please refer water supply bill of neighbour)

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*Residences, establishments construction purpose.

ANNEXURE II

PUBLIC WORKS DEPARTMENT

1.50 paise adhesive stamp

The Executive Engineer,
Works Division _____(PHE).
Panaji / Porvorim / Margao.

Contract for water supply.

Contract No. _____ Meter No. _____

Consumed Code :

Article I – The Public Health Engineering Wing shall supply, water through meter of _____ to _____ resident in house No. _____ situated at _____ who has paid an amount of Rs (_____) as security deposit.

Article 2 – The supply of water shall be for intermitant period and commencing from _____.

Article 3 – The deposit guarantees all the debts of any nature, due to the Public Health Engineering Wing of P.W.D.

Article 4 – The prevailing water tariff published in the official Gazette is applicable.

Article 5 – The water supply shall be used exclusively for domestic / commercial / construction / industrial purpose.

Article 6 – The minimum consumption of water and meter rent shall be as published in the official Gazette.

Article 7 – Releasing of piped water connection does not bestow any right on the consumer regarding ownership of the land or house water connection is independent of any such rights. The consumer agrees with all the rules and regulations in force.

The contract is signed by both.
Public Health Engineering, Wing of P.W.D. ,at Goa._____

_____ Executive Engineer

_____ The Consumer

Form No. 29.

ANNEXURE III

GOVERNMENT OF GOA

OFFICE OF THE ASSISTANT ENGINEER

P.W.D. _____ GOA.

REPORT FOR WATER CONNECTION

Name of Applicant with address : _____

_____

1. Remarks of T.A. / J.E. : -
2. Entry number and date :-
3. Assistant Engineer's remarks:-
4. Date of inspection fixed : -
5. Inspection report of T.A. / J.E. : -

1. Technical feasibility Yes / No.
2. No. of flats _____
3. Requirement of water _____m^3
4. Size of water connection _____15m / 20m
5. Recommendation
6. Date of payment
7. Date of releasing .
8. Name of plumber
9. Name of labour

ANNEXURE IV

Contract No.

Government of Goa

PUBLIC WORKS DEPARTMENT

WORKS DIVISION _____

(INSTALLATION BILL)

No. _____

Name of consumer _____ House No. _____

Owner _____ Water connection _____

Tenant _____

Address _____ Meter No. _____

_____ Size _____

_____ Initial Reading _____

Consumer Code No.

			AMOUNT
(Expenses with commu nication)	(a)	! Labour .... ! Materials ... ! 10 % admn. (1st Art. ! 11 of water supply ! bye-laws).	
		Sum	
Charges, Art, 32 of Water supply bye-Laws	(b)	! Connection fees ! Meter installation fees ! Testing fees	
GUARANTEE DEPOSIT (Art. 33 of water supply Bye –laws)	(c)	Sum	
(Expenses with domici-llery installation)	(d)	(Labour) (Materials) (10 % for Admn.)	
		Sum	
Sundries	(e)	...	
		Total	

Rupees _____

Remarks _____

_____

(Received the amount of this bill _____) Prepared by _____

_____ cashier

_____ Verified by

_____ Approved by

Place :

Dated : _____

_____ T.A. / J.E.

_____ Assistant Engineer

BILL FORMAT IN USE AT PRESENT

ANNEXURE V

GOVERNMENT OF GOA, BANK / OFFICE COPY

PUBLIC WORKS DEPARTMENT LAST DATE OF PAYMENT

DIV. SUB. DIV. BILL NO. ISSUE DATE FROM DATE AVG UNITS

CURRENT FAULT

METER READING } PREVIOUS

METER NO. METER SIZE METER FIX DATE TO DATE MIN DATE

CONSUMER CODE CATEGORY

SEC. DEPOSIT
ADDITIONAL UNITS
UNITS BILLED
WATER CHARGES
METER RENT
SEWAGE CHARGES
SUNDRY CHARGES
ARREARS (CREDIT)

RECEIPT NO. DATE CHEQUE NO. DATE TOTAL

RUPEES _____

RECEIVER'S SIGNATURE (PLEASE SEE NOTES OVERLEAF)

BANKS ARE ADVISED NOT TO ACCEPT CHANGED BILL OR PART PAYMENT TOWARDS THIS BILL.

GOVERNMENT OF GOA CONSUMERS COPY

PUBLIC WORKS DEPARTMENT

LAST DATE AVG UNITS
CURRENT / FAULT
METER
READING PREVIOUS

METER NO. DATE CHEQUE NO. DATE TOTAL

RUPEES _____

RECEIVERS SIGNATURE (PLEASE SEE NOTE FOR WATER TARIFF & METER RENT)

WARNING : IF ARREARS EXCEED THE SECURITY DEPOSIT THE SUPPLY IS LIABLE TO BE DISCONNECTED. IN ANYCASE IF TWO CONSECUTIVE BILLS ARE NOT PAID, THE SUPPLY WILL BE DISCONNECTED.

DRAFT BILL FORMAT

GOVERNMENT OF GOA

PUBLIC WORKS DEPARTMENT

Division | Consumer Code | Bill No.

Sub. Div. | Category | Meter No. | Date of Fixing

Issue Date | Min.

Units :

Avg.

Units :

From Date | To Date | Sec. Dep. Rs.

Current Reading	
Previous Reading	
Additional Units	
Units Billed	
Water Charges	
Meter Rent	
Sewage Charges	
Sundry Charges	
Arrears	
Gross Amount	
Credits	
Amount Payable on or before	
Delayed Payment Charges	
Amount Payable on or before	

Receipt No. | Cheque No.

Date | Date

(Please see overleaf for notes) NY Receiver's Signature

Note : Water supply is liable for disconnection if amount is not paid within 30 days from due date. In addition D.P.C. will be charged as per rules.

GENERAL INFORMATION TO CONSUMERS

1. In case the payment is effected by cheque, the same should be drawn in the name of Executive Engineer, Works Division III / IX / XVII / XX PHE PWD and sent to the office issuing the bill. Outstation cheque shall not be accepted. This receipt is valid only after realization of cheque.

2. The bill is payable on or before date mentioned in this bill. The delayed payment charges at 2% compound interest per month or part thereof shall become due and payable if the bills are not paid on or before due date of payment specified in the Water Tariff Bill.

3. The reconnection charges of the meter after disconnection shall be Rs.100/-.

4. Complaints, if any, on the amount of the bill shall be settled separately but the amount billed for shall have to be paid within due date.

5. Non-receipt of bill shall not be considered as a valid reason for the non-payment of the monthly bill within due date. The consumers in their own interest are requested to approach the office where the bills are payable, for clarifications, if any.

6. The exact cash shall be tendered along with the bill. Misplacement of the bill shall not be considered as a valid reason for delayed payment. Duplicate copy of the bill may be obtained from the local office on payment of Rs.1.00 per bill.

7. In all correspondence / complaints etc. the water supply installation number mentioned in the bills shall be quoted.

8. The consumer shall have to report the Department of his/her intention of vacating the premises at least 15 days in advance.

WATER TARIFF (Subject to change without notice)

a) Domestic and other small Consumers like students Hostels/ Hospitals / dispensaries / business / profession which are not falling within the preview of the Goa, Daman & Diu shops and Estt. Act 1974. Educational Institutes and Recognised Charitable Trust Institutes.i) Rs.2.00 per M3 upto 30 M3. ii) Rs.4.00 per M3 above 30 M3 per month. Iii) Minimum charges per month shall be Rs.20/-

b) Small hotels : Small hotels not recognized under the State Sales Tax Act . i) Rs.10.00 per M3 month. ii) Minimum charges per month shall be Rs.150.00

c) Defence : I) Rs.7.00 per M3 upto 100 M3 per month. and above ii) Rs.9.00 per M3 above 100 M3

d) Commercial / Industries /MPT / Hotels / Restaurants / Bars/Tourist Hostels/Cinema Theatres/Constructions / Establishment registered under the Goa, Daman & Diu Shops and Establishment Act, 1974, including constr-uction . major/small scale all types of industries :/ Four Starred and above hotels. i) Rs.26.00 per M3.

METER RENT

Size of rent per meter month in inches	Rs.
½	5
¾	7
1	9
1 ½	30
2	35
3	70
4	90
6	150
8	200
10 and above	500

ANNEXURE VI

NORTH GOA

1. Assistant Engineer,
   Sub. Div. I, Div. III(PHE),
   PWD, St. Inez-Panaji, Tiswadi,
   Phone No. 226446

2. Assistant Engineer,
   Sub.Div. III, Div.III(PHE),
   PWD, Tonca, Caranzalem, Tiswadi.
   Phone No. 226446.

3 Assistant Engineer,
   Sub.Div. IV, Div.III(PHE),
   PWD, Daag-Ponda.
   Phone No. 312081.

4. Assistant Engineer,
   Sub.Div. I, Works Div. XVII(PHE-N),
   PWD, Bicholim.
   Phone No. 362300.

5. Assistant Engineer,
   Sub.Div.II, Works Div.XVII(PHE-N),
   PWD, Pernem.
   Phone No. 291205.

6. Assistant Engineer,
   Sub.Div.III, Works Div.XVII(PHE-N),
   PWD, Mapusa, Bardez.
   Phone No. 262374.

7. Assistant Engineer,
   Sub.Div. V, Works Div.XVII(PHE-N),
   PWD, Porvorim, Bardez.
   Phone No. 217930.

8. Assistant Engineer,
   Sub.Div. VI, Works Div.XVII(PHE-N),
   PWD, Valpoi, Sattari.
   Phone No. 374224.

SOUTH GOA

1. Assistant Engineer,
   Sub.Div. I, Works Div. IX (PHE-S),
   PWD, Baina-Vasco, Marmugoa,
   Phone No. 512382.

2. Assistant Engineer,
   Sub.Div. II, Works Div. IX(PHE-S),
   PWD, Monte-Margao , Salcette
   Phone No. 722181.

3 Assistant Engineer,
   Sub.Div. III, Works Div.IX(PHE-S),
   PWD, Borda,PHE Complex, Margao, Salcette.
   Phone No. 721950

4. Assistant Engineer,
   Sub.Div. I, Works Div.XX(PHE-S),
   PWD, Curchorem, Sanguem.
   Phone No. 650207

5 Assistant Engineer,
   Sub.Div. II, Works Div.XX(PHE-S),
   PWD, Sanguem,.
   Phone No. 604251

6. Assistant Engineer,
   Sub. Div. III, Works Div. XX(PHE-S),
   PWD, Quepem,.
   Phone No. 662203.

7. Assistant Engineer,
   Sub. Div. IV, Works Div. XX(PHE-S),
   PWD, Canacona .
   Phone No. 643355

ANNEXURE VII

List of Banks authorised to accept water bills

I) UNDER JURISDICTION OF WORKS DIVISION III (PHE), PWD.

	Name of Bank	Address
1.	The Goa State Co-op Bank.	Head Office Panaji Goa.
2.	Women's Co-op Bank Ltd.	Opposite Matias Plaza Building Panaji – Goa.
3.	The Goa State Co-op Bank.	Marcela, Goa.
4.	The Madgaum Urban Co-op Bank.	Goa Velha Branch, Goa.
5.	The Goa Urban Co-op Bank.	St. Estevam, Goa.
6.	The Goa State Co-op Bank.	Ponda, Goa.
7.	The Goa State Co-op Bank .	Adpai Durbhat, Ponda- Goa.
8.	State Bank of Mysore.	Khandepar, Ponda – Goa.
9.	The Goa State Co-op Bank .	Caranzalem, Tiswadi – Goa.
10.	Shiroda Urban Bank.	Shiroda, Ponda – Goa.

II) UNDER JURISDICTION OF WORKS DIVISION XVII (PHE-N), PWD.

	Name of Bank	Address
1.	The Goa Urban Co-op Bank.	Porvorim, Bardez , Goa.
2.	The Goa State Co-op Bank.	Calangute, Bardez, Goa.
3.	The Goa State Co-op. Bank.	Verem, Bardez, Goa.
4.	The Goa State Co-op. Bank.	Main Office Mapusa, Goa.
5.	The Goa State Co-op. Bank.	Mapusa Municipal Market, Mapusa, Goa.
6.	The Goa State Co-op. Bank.	Near I.D.C. Office Altinho, Mapusa, Goa.
7.	The Goa State Co-op Bank .	Moira, Bardez, Goa.
8.	The Goa State Co-op Bank .	Pirna, Bardez, Goa.

III) UNDER JURISDICTION OF WORKS DIVISION IX (PHE) P.W.D.

	Name of Bank	Address
1.	The Madgaum Urban Co-op Bank	Near Holy Trinity Church, Benaulim.
2.	The Goa State Co-op Bank.	Communidade Building, Margao
3.	The Goa State Co-op Bank.	Virginkar Building, Borda Margao.
4.	The Corporation Bank.	Near the Church Loutulim.
5.	The Bank of India.	Near the Church Chinchinim.
6.	Madgaum Urban Co-op. Bank	Opposite the Church Curtorim.
7.	The Goa State Co-op Bank.	Headland Sada, Vasco.
8.	The Goa State Co-op Bank	Vaddem, Vasco.
9.	The Goa State Co-op Bank	New Vaddem, Vasco.
10.	The Goa State Co-op Bank.	Cansaulim.
11.	The Goa State Co-op Bank.	Cortalim.
12.	The Goa State Co-op. Bank.	Zuari Nagar, Vasco.
13.	The Goa Urban Co-op. Bank	Baina, Vasco.

IV) UNDER JURISDICTION OF WORKS DIVISION XX (PHE), PWD.

	Name of Bank.	Address
1.	The Goa State Co-op Bank	Sanguem , Goa.
2.	The Goa State Co-op Bank .	Curchorem, Goa.
3.	The Goa State Co-op Bank .	Quepem Branch, Goa.
4.	The Goa State Co-op Bank .	Cuncolim Branch, Goa.
5.	Madgaum Urban Co-op. Bank.	Sanguem, Goa.

PART II

SEWERAGE

SEWERAGE

The following documents are required to be produced for obtaining sewer connection to the houses, residences, buildings, shops, etc.

1) Approved construction license issued by Village Panchayat / Municipality.

2) Approved plan of the building with drawing indicating sewer lines, manholes, invert levels, etc for deciding invert level of the sewer lines and inspection chamber within the premises.

3) Fees/charges to be paid as per stipulations applicable from time to time.

4) Completion/ownership certificate of the house/building.

5) In case the invert level of the sewer line of the house is below the PWD line, then the application for sewer house connection is liable for rejection.

6) Detailed list of enclosures and application form with general conditions are enclosed in Annexure 'C'.

From :-

Dated :-

To,
The Assistant Engineer,
Sub-Div.II(PHE),P.W.D.,
Tonca-Caranzalem-Goa.

Sub :- Permission for Sewer house connection – reg.

Sir,

I, the undersigned intend to connect the waste water pipeline of my building/house to the P.W.D., underground drainage system. Kindly allow me to carryout the work with my licensed plumber.

1) Owner's name & address :-

2) Name of the building/Hotel/House/ office to be connected to the underground drainage system and address :-

3) Water connection & Meter No. :-

4) No. of flats & tenants :-

5) Tenant's name & address :-

6) Plan showing alignment :-

7) N.O.C. from owner :-

I have no objection if the PWD intends to connect/extend the sewerline to the neighbours from the sewer trap chamber constructed by me.

Thanking you,

Yours faithfully,

List of Enclosure :

i) Water bill ..... 1 copy
ii) Site plan (showing alignment vide Sr.No.6 above) ..... 1 copy
iii) N.O.C. for cutting road, footpath etc. ..... 1 copy
iv) N.O.C. from the owner of the land for laying pipeline... 1 copy
v) Plumber's certificate from registered plumber ... 1 copy
vi) House Tax receipt from Panchayat/Municipality 1 copy
vii) Agreement for sewage connection ..... 2 copies
viii) Occupancy certificate from Municipality or Panchayat for new construction.

N.B. All the copies should be certified by a Gazetted Officer.

GENERAL CONDITIONS FOR OBTAINING SEWER HOUSE CONNECTIONS

1. Owner or user whoever does the house connection work is required to inform this office before starting the work.
2. They are also required to sign the agreement forms issued by this office and comply the other formalities of this office before starting the work. The agreement forms are to be submitted in duplicate, one copy of which is to be attached with Rs.1.50 special adhesive stamp.
3. The agreement forms are to be filled up clearly and give the water meter numbers and consumer code number and date of the water bill paid recently.
4. They are required to keep the pipe trench open to give water tightness test before filling up the trenches.
5. The work should be carried out through registered plumber. After completion of the work they are required to inform the Engineer-in-Charge of this office for inspection. Plumber is required to carry out the work as per the instructions given during the execution of work and has to submit the plan of the network.
6. Connection will be given only on production of receipt of connection charges, paid in the Divisional office.
7. Whenever the road is to be cut, prior permission from Municipality/P.W.D. is to be obtained.
8. The works are to be carried out as per the C.P.W.D. specification of works.
9. All the chambers are to be constructed with 23cm. Thick brick/laterite masonry in cement mortar 1:3 (1 cement : 3 sand) and walls plastered both the sides with 12mm thick in CM 1 : 3.
10. Neat finishing of channel in all the chambers and cement punning is to be done to the inside face of the chamber.
11. All the intermittent chambers shall be of minimum size of 60cm x 45cm. (clear opening) and final intercepting chamber shall be of 90cm x 60cm fitted with C.I. cover. The chambers constructed on the main road are to be provided with heavy duty cover and frame of 230kg. to with stand the impact of the traffic load. Minimum 75mm. dia. A.C. vent is to be provided from the main sewer trap chamber extending the pipe 1.00mt. above the roof level of the building.
12. Connection to the public (PWD) manhole/chamber is to be done in the presence of PWD representatives only after due permission.
13. All illegal connections or violation of the above instructions by the plumbers are liable for revoking of the licenses issued by this Department.

14. NORMAL PERIOD OF TIME REQUIRED

	Stage	**Duration**
(a)	Making of the application to the concerned Sub-Division and processing for ascertaining technical feasibility after inspection of the site.	5 days
(B)	Payment of installation bill by the owner.	7 days
(c)	Laying of sewer line with all the appurtenances.	30 days
(d)	Final inspection.	3 days.

-Assistant Engineer-
Sub-Div. _____ PWD,
_____ Goa.

Rs. 150
Self
Adhesive
Stamp

AN AGREEMENT made on the ..... Day of ..... two thousand.....BETWEEN Shri / Smt . ...Son/ Wife of .... Residing in House No. ..... in ..... Ward .....(hereinafter referred to as the " User" which expression shall when the context so admits include his / her heirs, executors, successors, administrator, legal representatives) of the one part and the Governor of Goa represented by Shri. .....Executive Engineer, Works Division..... Government of Goa, Public Works Department, Panaji (hereinafter referred to as "Government" which expression shall when the context so admits include his successor - in - office and assigns) of the other part.

WHEREAS the Government has established the sewage and sewerage works facilities (therein after referred to as the "Public Sewerage System") in the city of .....

AND WHEREAS the user has approached the Government to use the Public Sewerage System and the parties hereto have agreed to the user thereof on the terms and the conditions hereinafter contained.

IT IS HEREBY AGREED AND DECLARED as follows :

1. That the Government will control and maintain the drainage system in ..... town under the departmental rule and regulations for sewage disposals, a copy of which has been obtained by the user from the P.W.D. and the user has read and understood the said rules and regulations and agreed to be bound by the same;

2. That the user will be entitled to connect his domestic sewer to the Public Sewerage System on any day after the execution of this agreement, if the user complies with such conditions as the Government may prescribe in this behalf from time to time;

3. That the user has no objection if the P.W.D. connects or extends the neighbours sewerline to the sewer trap chamber or chambers constructed by the user.

4. That any officer of the Public Works Department authorised by the Government in this behalf, shall be entitled to inspect and examine at all reasonable time during the day, all drains, ventilation shafts and pipes, cess pools, gullies, water closets, privates, latrines, urinals and bathing and washing places located in the premises of the user;

5. That if the user contravenes any of the rules prescribed in respect of the Public Sewerage Scheme, the Government, after giving 15 days notice to the user, shall be entitled to close, demolish, alter or remake any connection made in contravention of the said rules and any expenses incurred on this account will be paid by the user;

6. That the user shall pay to the Government for the use of the public sewerage, at the following rates;

(a) Connection charges for

4" diameter connection	...	...	Rs.	Prevailing charges
6" diameter connection	...	...	Rs.	
8" diameter connection	...	...	Rs.	

(To be paid in advance at the time of signing this agreement);

(b) Maintenance charges at the rate of 50% or more as fixed by Govt. from time to time of water tax bill to be collected monthly, together with the water tax bill and subject to the same collection rules as in respect of the water charges ;

(c) Water connection No. ..... Meter No. .....

6. The user shall hereby agree to abide by the rules and regulations that may be prescribed by the Government for the management of this public sewerage system ;

7. In the event of any question, disputes or differences arising under or out of or in connection with the condition herein contained or touching or concerning the meaning, operation or effect thereof or of any matter contained therein or as to the rights, duties or liability of the parties hereto respectively or otherwise howsoever in connection with the agreement, the same shall be referred to the sole arbitration of a person to be nominated by the Chief Engineer, P.W.D. and there will be no objection that the person appointed is a Government servant, that he had to deal with the matters to which the contract relates and that in the course of his duties as such Government servant, he has expressed his views on all or any of the matters in disputes or difference. The award of the arbitrator so appointed shall be final. It is a term of this agreement that in the event of such arbitrator to whom the matter is originally referred being transferred or vacating his office, his successor in office shall be deemed to be the arbitrator for the purposes of this clause. Such person will be entitled to proceed with the reference from the stage at which it was left by his predecessor. The provision of the Indian Arbitration Act, 1996 shall apply to the Arbitration proceedings under this clause. HAVE IN WITNESS WHEREOF THE PARTIES HERE TO HEREBY SET THEIR HANDS AND SEALS ON THE DAY AND YEAR FIRST ABOVE WRITTEN.

Signed by.....
User

.....
Executive Engineer, W.D._____
Public Works Department,
For and of behalf of the
Governor of Goa.

Witnesses :

1. 2.

1. 2.